

HOUSE BILL No. 4243

February 9, 1999, Introduced by Reps. Ruth Johnson, Patterson, Richner, Toy, Bishop, Bradstreet, Rocca, Green, Julian, DeHart, Kukuk, Minore, Rick Johnson, Allen and Pappageorge and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1995 PA 264 and section 35 as amended by 1989 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A committee, other than an independent commit-
2 tee or a political committee required to file with the secretary
3 of state, supporting or opposing a candidate shall file campaign
4 statements as required by this act according to the following
5 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 IS the sixteenth day before the election.

1 (b) A postelection campaign statement shall be filed not
2 later than the thirtieth day following the election. The closing
3 date for a campaign statement filed under this subdivision ~~shall~~
4 ~~be~~ IS the twentieth day following the election. A committee
5 supporting a candidate who loses the primary election shall file
6 closing campaign statements in accordance with this section. If
7 all liabilities of such a candidate or committee are paid before
8 the closing date and additional contributions are not expected,
9 the campaign statement may be filed at any time after the elec-
10 tion, but not later than the thirtieth day following the
11 election.

12 (2) For the purposes of subsection (1), THE FOLLOWING
13 APPLY:

14 (a) A candidate committee shall file a preelection campaign
15 statement and a postelection campaign statement for each election
16 in which the candidate seeks nomination or election, except if an
17 individual becomes a candidate after the closing date for the
18 preelection campaign statement only the postelection campaign
19 statement is required for that election.

20 (b) A committee other than a candidate committee shall file
21 a campaign statement for each period during which expenditures
22 are made for the purpose of influencing the nomination or elec-
23 tion of a candidate or for the qualification, passage, or defeat
24 of a ballot question.

25 (3) An independent committee or a political committee other
26 than a house political party caucus committee or senate political
27 party caucus committee required to file with the secretary of

1 state shall file campaign statements as required by this act
2 according to the following schedule:

3 (a) In an odd numbered year:

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

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

7 (iii) Not later than October 25 with a closing date of
8 October 20.

9 (b) In an even numbered year:

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

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

13 (iii) Not later than October 25 with a closing date of
14 October 20.

15 (4) A house political party caucus committee or a senate
16 political party caucus committee required to file with the secre-
17 tary of state shall file campaign statements as required by this
18 act according to the following schedule:

19 (a) Not later than January 31 of each year with a closing
20 date of December 31 of the immediately preceding year.

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

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

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

1 (e) For the period beginning on the fourteenth day
2 immediately preceding a primary or special primary election and
3 ending on the day immediately following the primary or special
4 primary election, not later than 4 p.m. each business day with a
5 closing date of the immediately preceding day, only for a contri-
6 bution received or expenditure made that exceeds \$1,000.00 per
7 day.

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

14 (5) Notwithstanding subsection (3) or (4) or section 51, if
15 an independent expenditure is made within 45 days before a spe-
16 cial election by an independent committee or a political commit-
17 tee required to file a campaign statement with the secretary of
18 state, THE COMMITTEE SHALL FILE a report of the INDEPENDENT
19 expenditure ~~shall be filed by the committee~~ with the secretary
20 of state within 48 hours after the expenditure. The report shall
21 be made on a form provided by the secretary of state and shall
22 include the date of the independent expenditure, the amount of
23 the expenditure, a brief description of the nature of the expen-
24 diture, and the name and address of the person to whom the expen-
25 diture was paid. The brief description of the INDEPENDENT expen-
26 diture shall include either the name of the candidate and the
27 office sought by the candidate or the name of the ballot question

1 and shall state whether the expenditure supports or opposes the
2 candidate or ballot question. This subsection does not apply if
3 the committee is required to report the independent expenditure
4 in a campaign statement that is required to be filed before the
5 date of the election for which the expenditure was made.

6 (6) A candidate committee or a committee other than a candi-
7 date committee that files a written statement under section 24(5)
8 or (6) need not file a campaign statement under subsection (1),
9 (3), or (4) unless it received or expended an amount in excess of
10 \$1,000.00. If the committee receives or expends an amount in
11 excess of \$1,000.00 during a period covered by a filing, the com-
12 mittee is then subject to the campaign filing requirements under
13 this act.

14 (7) A committee, candidate, treasurer, or other individual
15 designated as responsible for the committee's record keeping,
16 report preparation, or report filing who fails to file a state-
17 ment as required by this section shall pay a late filing fee of
18 \$25.00 for each business day the statement remains unfiled.
19 ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE late
20 filing fee shall not exceed \$500.00. THE LATE FILING FEE FOR A
21 CANDIDATE COMMITTEE FOR A LOCAL ELECTIVE OFFICE, EXCEPT A COUNTY-
22 WIDE ELECTIVE OFFICE, SHALL NOT EXCEED \$5,000.00. THE LATE
23 FILING FEE FOR A CANDIDATE COMMITTEE FOR A COUNTYWIDE OFFICE OR A
24 STATE ELECTIVE OFFICE SHALL NOT EXCEED \$10,000.00. If a candi-
25 date, treasurer, or other individual designated as responsible
26 for the committee's record keeping, report preparation, or report
27 filing fails to file 2 statements required by this section or

1 section 35 and both of the statements remain unfiled for more
2 than 30 days, that candidate, treasurer, or other designated
3 individual is guilty of a misdemeanor, punishable by a fine of
4 not more than \$1,000.00 ~~—,~~ or imprisonment for not more than 90
5 days, or both.

6 (8) If a candidate subject to this section is found guilty,
7 the circuit court for that county, on application by the attorney
8 general or the prosecuting attorney of that county, may prohibit
9 that candidate from assuming the duties of a public office or
10 from receiving compensation from public funds, or both.

11 (9) If a treasurer or other individual designated as respon-
12 sible for a committee's record keeping, report preparation, or
13 report filing knowingly files an incomplete or inaccurate state-
14 ment or report required by this section, that treasurer or other
15 designated individual is subject to a civil fine of not more than
16 \$1,000.00.

17 Sec. 35. (1) In addition to any other requirements of this
18 act for filing a campaign statement, a committee, other than an
19 independent committee or a political committee required to file
20 with the secretary of state, shall also file a campaign statement
21 not later than January 31 of each year. The campaign statement
22 shall have a closing date of December 31 of the previous year.
23 The period covered by the campaign statement filed pursuant to
24 this subsection ~~shall begin~~ BEGINS the day after the closing
25 date of the previous campaign statement. A campaign statement
26 filed pursuant to this subsection shall be waived if a
27 postelection campaign statement has been filed ~~which~~ THAT has a

1 filing deadline within 30 days of the closing date of the
2 campaign statement required by this subsection.

3 (2) Subsection (1) does not apply to a candidate committee
4 for an officeholder who is a judge or a supreme court justice, or
5 who holds an elective office for which the salary is less than
6 \$100.00 a month and who does not receive any contribution or make
7 any expenditure during the time ~~which~~ THAT would be otherwise
8 covered in the statement.

9 (3) A committee, candidate, treasurer, or other individual
10 designated as responsible for the record keeping, report prepara-
11 tion, or report filing for a ~~candidate~~ committee ~~of a candi-~~
12 ~~date for state elective office or a judicial office~~ who fails to
13 file a campaign statement under this section shall pay a late
14 filing fee of \$25.00 for each business day the campaign statement
15 remains not filed in violation of this section. ~~The~~ EXCEPT AS
16 OTHERWISE PROVIDED IN THIS SUBSECTION, THE late filing fee shall
17 not exceed \$500.00. ~~A committee, treasurer, or other individual~~
18 ~~designated as responsible for the record keeping, report prepara-~~
19 ~~tion, or report filing for a committee other than a candidate~~
20 ~~committee of a candidate for state elective office or a judicial~~
21 ~~office who fails to file a campaign statement under this section~~
22 ~~shall pay a late filing fee of \$25.00 for each business day the~~
23 ~~committee statement remains not filed in violation of this~~
24 ~~section. The late filing fee shall not exceed \$500.00.~~ THE LATE
25 FILING FEE FOR A CANDIDATE COMMITTEE FOR A LOCAL ELECTIVE OFFICE,
26 EXCEPT A COUNTYWIDE ELECTIVE OFFICE, SHALL NOT EXCEED \$5,000.00.

1 THE LATE FILING FEE FOR A CANDIDATE COMMITTEE FOR A COUNTYWIDE
2 OFFICE OR A STATE ELECTIVE OFFICE SHALL NOT EXCEED \$10,000.00.

3 (4) A committee filing a written statement pursuant to sec-
4 tion 24(5) or (6) need not file a statement in accordance with
5 subsection (1). If a committee receives or expends more than
6 \$1,000.00 during a time period prescribed by section 24(5) or
7 (6), the committee is then subject to the campaign filing
8 requirements under this act and shall file a campaign statement
9 for the period beginning the day after the closing date of the
10 last postelection campaign statement or an annual campaign state-
11 ment ~~which~~ THAT is waived pursuant to subsection (1), whichever
12 occurred earlier.

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

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

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1 (7) IF A CANDIDATE SUBJECT TO THIS SECTION IS FOUND GUILTY,
2 THE CIRCUIT COURT FOR THAT COUNTY, ON APPLICATION BY THE ATTORNEY
3 GENERAL OR THE PROSECUTING ATTORNEY OF THAT COUNTY, MAY PROHIBIT
4 THAT CANDIDATE FROM ASSUMING THE DUTIES OF A PUBLIC OFFICE OR
5 FROM RECEIVING COMPENSATION FROM PUBLIC FUNDS, OR BOTH.