



# HOUSE BILL No. 6146

November 14, 2000, Introduced by Reps. Cherry, Lockwood and Brater and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 7, 10, 11, and 12 (MCL 169.203, 169.207, 169.210, 169.211, and 169.212), section 3 as amended by 1989 PA 95, section 7 as amended by 1994 PA 385, section 11 as amended by 1996 PA 590, and section 12 as amended by 1995 PA 264, and by adding sections 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 105, 107, 108, and 109.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. (1) "Candidate" means an individual WHO MEETS 1 OF THE FOLLOWING CRITERIA:

(a) ~~who files~~ FILES a fee, AN affidavit of incumbency, ~~or~~ A nominating petition for an elective office, ~~or~~ OR A DECLARATION OF INTENT UNDER SECTION 94.

1 (b) ~~whose nomination~~ IS NOMINATED as a candidate for  
2 elective office by a political party caucus or convention AND THE  
3 NOMINATION is certified to the appropriate filing official. ~~+~~

4 (c) ~~who receives~~ RECEIVES a contribution, makes an expen-  
5 diture, or gives consent for another person to receive a contri-  
6 bution or make an expenditure with a view to bringing about the  
7 individual's nomination or election to an elective office,  
8 whether or not the specific elective office for which the indi-  
9 vidual will seek nomination or election is known at the time the  
10 contribution is received or the expenditure is made. ~~+~~ ~~or~~

11 (d) ~~who is~~ IS an officeholder who is the subject of a  
12 recall vote. ~~Unless~~

13 (E) HOLDS AN ELECTIVE OFFICE, UNLESS the officeholder is  
14 constitutionally or legally barred from seeking reelection or  
15 fails to file for reelection to that office by the applicable  
16 filing deadline. ~~, an elected officeholder shall be~~ AN INDIVID-  
17 UAL DESCRIBED IN THIS SUBDIVISION IS considered to be a candidate  
18 for reelection to that same office for the purposes of this act  
19 only.

20 (2) ~~For purposes of sections 61 to 71, "candidate" only~~  
21 ~~means~~ "CANDIDATE" MEANS, FOR PURPOSES OF SECTIONS 61 TO 71 ONLY,  
22 in a primary election, a candidate for the office of governor  
23 and, in a general election, a candidate for the office of gover-  
24 nor or lieutenant governor. However, FOR THE PURPOSES OF THIS  
25 SUBSECTION, the candidates for the office of governor and lieu-  
26 tenant governor of the same political party in a general election  
27 shall be considered as 1 candidate.

1       (3) ~~-(2)-~~ "Candidate committee" means the committee  
2 designated in a candidate's filed statement of organization as  
3 that individual's candidate committee. A candidate committee  
4 shall be under the control and direction of the candidate named  
5 in the same statement of organization. Notwithstanding subsec-  
6 tion ~~-(4)-~~ (6), an individual shall form a candidate committee  
7 ~~pursuant to~~ UNDER section 21 when the individual becomes a can-  
8 didate under subsection (1).

9       (4) "CERTIFIED CANDIDATE" MEANS A PARTICIPATING JUDICIAL  
10 CANDIDATE SEEKING ELECTION TO THE SUPREME COURT WHO IS CERTIFIED  
11 AS A CANDIDATE UNDER SECTION 97.

12       (5) ~~-(3)-~~ "Closing date" means the date through which a cam-  
13 paign statement is required to be complete.

14       (6) ~~-(4)-~~ "Committee" means a person who receives contribu-  
15 tions or makes expenditures for the purpose of influencing or  
16 attempting to influence the action of the voters for or against  
17 the nomination or election of a candidate, or the qualification,  
18 passage, or defeat of a ballot question, if contributions  
19 received total \$500.00 or more in a calendar year or expenditures  
20 made total \$500.00 or more in a calendar year. An individual,  
21 other than a candidate, does not constitute a committee. A  
22 person, other than a committee registered under this act, making  
23 an expenditure to a ballot question committee, shall for that  
24 reason, not be considered a committee for the purposes of this  
25 act unless the person solicits or receives contributions for the  
26 purpose of making an expenditure to that ballot question  
27 committee.

1       Sec. 7. (1) "Filed" means the receipt by the appropriate  
2 filing official of a statement or report required to be filed  
3 under this act.

4       (2) "Filer" means a person required to file a statement or  
5 report ~~pursuant to~~ UNDER this act.

6       (3) "Filing official" means the official designated  
7 ~~pursuant to~~ UNDER this act to receive required statements and  
8 reports.

9       (4) "FUND" MEANS THE PUBLIC CAMPAIGN FUND ESTABLISHED IN  
10 SECTION 92.

11       (5) ~~-(4)-~~ "Fund raising event" means an event such as a  
12 dinner, reception, testimonial, rally, auction, bingo, or similar  
13 affair through which contributions are solicited or received by  
14 purchase of a ticket, payment of an attendance fee, making a  
15 donation, purchase of chances for prizes, or purchase of goods or  
16 services.

17       (6) "FUNDING LAW" MEANS THE PUBLIC CAMPAIGN FUNDING LAW  
18 ALTERNATIVE CAMPAIGN FINANCE PROVISIONS CONTAINED IN SECTIONS 91  
19 TO 109.

20       (7) ~~-(5)-~~ "Gift" means a payment, subscription, advance,  
21 forbearance, rendering, or deposit of money, services, or any-  
22 thing of value, unless consideration of equal or greater value is  
23 given in exchange.

24       (8) ~~-(6)-~~ "Honorarium" means a payment of money to a person  
25 holding elective office as consideration for an appearance, a  
26 speech, an article, or any activity related to or associated with

1 the performance of duties as an elected official. An honorarium  
2 does not include any of the following:

3 (a) Reimbursement for the cost of transportation, accommoda-  
4 tions, or meals for the person.

5 (b) Wages, salaries, other employee compensation, and  
6 expenses authorized to be paid by this state or a political sub-  
7 division of this state to the person holding elective office.

8 (c) An award.

9 Sec. 10. (1) "Major political party" means a political  
10 party qualified to have its name listed on the general election  
11 ballot whose candidate for governor received 25% or more of the  
12 popular vote cast in the preceding gubernatorial election. If  
13 only 1 political party received 25% or more of the popular vote  
14 cast for governor in the preceding gubernatorial election, then  
15 the political party with the second highest vote ~~shall be~~  
16 ~~deemed~~ IS a major POLITICAL party.

17 (2) "Minor political party" means a political party quali-  
18 fied to have its name listed on the general election ballot but  
19 ~~which~~ THAT does not qualify as a major POLITICAL party.

20 (3) "Nominee" means an individual nominated to be a  
21 candidate.

22 (4) "NONPARTICIPATING JUDICIAL CANDIDATE" MEANS A CANDIDATE  
23 SEEKING ELECTION TO THE SUPREME COURT WHO DOES NOT CHOOSE TO PAR-  
24 TICIPATE UNDER THE FUNDING LAW AND WHO IS NOT SEEKING TO BE A  
25 CERTIFIED CANDIDATE UNDER SECTION 97.

1       Sec. 11. (1) "PARTICIPATING CONTRIBUTION" MEANS A  
2 CONTRIBUTION TO A PARTICIPATING JUDICIAL CANDIDATE THAT MEETS ALL  
3 OF THE FOLLOWING CRITERIA:

4       (A) IS IN COMPLIANCE WITH THE CONTRIBUTION LIMITS IN SECTION  
5 52.

6       (B) IS MADE DURING THE DESIGNATED PARTICIPATING CONTRIBUTION  
7 PERIOD.

8       (C) IS OBTAINED WITH THE KNOWLEDGE AND APPROVAL OF THE PAR-  
9 TICIPATING JUDICIAL CANDIDATE.

10       (D) IS ACKNOWLEDGED BY A WRITTEN RECEIPT THAT IDENTIFIES THE  
11 NAME AND ADDRESS OF THE CONTRIBUTOR ON FORMS PROVIDED BY THE SEC-  
12 RETARY OF STATE.

13       (2) "PARTICIPATING CONTRIBUTION PERIOD" MEANS THE TIME  
14 PERIOD THAT BEGINS FEBRUARY 15 OF THE ELECTION YEAR AND ENDS AT  
15 5 P.M. ON AUGUST 1 OF THE ELECTION YEAR.

16       (3) "PARTICIPATING JUDICIAL CANDIDATE" MEANS A CANDIDATE WHO  
17 IS SEEKING ELECTION TO THE SUPREME COURT WHO CHOOSES TO PARTICI-  
18 PATE UNDER THE FUNDING LAW AND WHO IS SEEKING TO BE A CERTIFIED  
19 CANDIDATE UNDER SECTION 97.

20       (4) ~~-(1)-~~ "Person" means a business, individual, proprietor-  
21 ship, firm, partnership, joint venture, syndicate, business  
22 trust, labor organization, company, corporation, association,  
23 committee, or any other organization or group of persons acting  
24 jointly.

25       (5) ~~-(2)-~~ "Political committee" means a committee that is  
26 not a candidate committee, political party committee, independent  
27 committee, or ballot question committee.

1       (6) ~~-(3)-~~ "Political merchandise" means goods such as bumper  
2 stickers, pins, hats, beverages, literature, or other items sold  
3 by a person at a fund raiser or to the general public for public-  
4 ity or for the purpose of raising funds to be used in supporting  
5 or opposing a candidate for nomination for or election to an  
6 elective office or in supporting or opposing the qualification,  
7 passage, or defeat of a ballot question.

8       (7) ~~-(4)-~~ "Political party" means a political party ~~which~~  
9 THAT has a right under law to have the names of its candidates  
10 listed on the ballot in a general election.

11       (8) ~~-(5)-~~ "Political party committee" means a state central,  
12 district, or county committee of a political party ~~which~~ THAT  
13 is a committee. Each state central committee shall designate the  
14 official party county and district committees. There shall not  
15 be more than 1 officially designated political party committee  
16 per county and per congressional district.

17       (9) ~~-(6)-~~ "Public body" means 1 or more of the following:

18       (a) A state agency, department, division, bureau, board,  
19 commission, council, authority, or other body in the executive  
20 branch of state government.

21       (b) The legislature or an agency, board, commission, or  
22 council in the legislative branch of state government.

23       (c) A county, city, township, village, intercounty, inter-  
24 city, or regional governing body; a council, school district,  
25 special district, or municipal corporation; or a board, depart-  
26 ment, commission, or council or an agency of a board, department,  
27 commission, or council.

1 (d) Any other body that is created by state or local  
2 authority or is primarily funded by or through state or local  
3 authority, ~~which~~ IF THE body exercises governmental or propri-  
4 etary authority or performs a governmental or proprietary  
5 function.

6 Sec. 12. (1) "Qualifying contribution" means a contribution  
7 of money made by a written instrument by an individual to the  
8 candidate committee of a candidate for the office of governor  
9 that is \$100.00 or less and made after April 1 of the year pre-  
10 ceding a year in which a governor is to be elected. Not more  
11 than \$100.00 of an individual's total aggregate contribution may  
12 be used as a qualifying contribution in any calendar year.  
13 Qualifying contribution does not include a subscription, loan,  
14 advance, deposit of money, in-kind contribution or expenditure,  
15 or anything else of value except as prescribed in this act.  
16 Qualifying contribution does not include a contribution by an  
17 individual who resides outside of this state. For purposes of  
18 this subsection, an individual is considered to reside in this  
19 state if he or she is considered a resident of this state under  
20 the Michigan election law, ~~Act No. 116 of the Public Acts of~~  
21 ~~1954, being sections 168.1 to 168.992 of the Michigan Compiled~~  
22 ~~Laws~~ 1954 PA 116, MCL 168.1 TO 168.992.

23 (2) "Senate political party caucus committee" means an inde-  
24 pendent committee established by a political party caucus of the  
25 state senate under section 24a.

26 (3) "State elective office" means the office of governor,  
27 lieutenant governor, secretary of state, attorney general,



1 justice of the supreme court, member of the state board of  
2 education, regent of the university of Michigan, member of the  
3 board of trustees of Michigan state university, member of the  
4 board of governors of Wayne state university, and member of the  
5 state legislature.

6 SEC. 91. (1) THIS SECTION AND SECTIONS 92 TO 109 SHALL BE  
7 KNOWN AND MAY BE CITED AS THE "PUBLIC CAMPAIGN FUNDING LAW".

8 (2) THE PUBLIC CAMPAIGN FUNDING LAW ESTABLISHES AN ALTERNA-  
9 TIVE CAMPAIGN FINANCING OPTION AVAILABLE TO A PARTICIPATING JUDI-  
10 CIAL CANDIDATE RUNNING FOR THE SUPREME COURT WHO IS CERTIFIED AS  
11 A CERTIFIED CANDIDATE UNDER SECTION 97. THIS ALTERNATIVE CAM-  
12 PAIGN FINANCING OPTION IS AVAILABLE TO A CANDIDATE FOR AN ELEC-  
13 TION FOR THE SUPREME COURT HELD IN THIS STATE AFTER JANUARY 1,  
14 2001.

15 (3) THE SECRETARY OF STATE AND THE DEPARTMENT OF TREASURY  
16 SHALL ADMINISTER THE PUBLIC CAMPAIGN FUNDING LAW. THE STATE  
17 TREASURER SHALL ADMINISTER THE FUND UNDER THIS ACT.

18 SEC. 92. (1) THE PUBLIC CAMPAIGN FUND IS ESTABLISHED TO  
19 FINANCE THE ELECTION CAMPAIGNS OF CERTIFIED CANDIDATES SEEKING  
20 ELECTION TO THE SUPREME COURT. THE FUND SHALL PAY ADMINISTRATIVE  
21 COSTS OF THE DEPARTMENTS OF TREASURY AND STATE AND ENFORCEMENT  
22 COSTS OF THE DEPARTMENT OF STATE RELATED TO THE PUBLIC CAMPAIGN  
23 FUNDING LAW.

24 (2) THE FUND IS A SPECIAL, DEDICATED, NONLAPSING FUND.  
25 INTEREST GENERATED BY THE FUND IS CREDITED TO THE FUND.

26 (3) THE STATE TREASURER SHALL DEPOSIT ALL OF THE FOLLOWING  
27 INTO THE FUND:

1 (A) REVENUE UNDER SECTION 93.

2 (B) MONEY THAT WAS DISTRIBUTED TO A CERTIFIED CANDIDATE AND  
3 THAT REMAINS UNSPENT AFTER THE GENERAL ELECTION.

4 (C) OTHER UNSPENT MONEY DISTRIBUTED TO A CERTIFIED CANDIDATE  
5 WHO DOES NOT REMAIN A CANDIDATE THROUGHOUT THE GENERAL ELECTION  
6 CYCLE.

7 (D) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND.

8 (E) FINES COLLECTED UNDER SECTION 108.

9 (4) ON OR BEFORE THE SEPTEMBER 1 IMMEDIATELY BEFORE AN ELEC-  
10 TION YEAR, THE SECRETARY OF STATE SHALL PUBLISH AN ESTIMATE OF  
11 REVENUE IN THE FUND AVAILABLE FOR DISTRIBUTION TO CERTIFIED CAN-  
12 DIDATES DURING THE UPCOMING YEAR'S ELECTIONS.

13 SEC. 93. (1) AN INDIVIDUAL WHOSE TAX LIABILITY UNDER THE  
14 INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.532, FOR A  
15 TAXABLE YEAR IS \$3.00 OR MORE MAY DESIGNATE THAT \$3.00 NOT BE  
16 CREDITED TO THE FUND. IN THE CASE OF A JOINT RETURN OF HUSBAND  
17 AND WIFE HAVING AN INCOME TAX LIABILITY OF \$6.00 OR MORE, EACH  
18 SPOUSE MAY DESIGNATE THAT \$3.00 NOT BE CREDITED TO THE MICHIGAN  
19 PUBLIC CAMPAIGN FUND. IF NO DESIGNATION IS MADE, THE STATE TREA-  
20 SURER SHALL CREDIT TO THE FUND \$3.00 FOR AN INDIVIDUAL AND \$6.00  
21 FOR A HUSBAND AND WIFE.

22 (2) THE TAX DESIGNATION AUTHORIZED IN THIS SECTION SHALL BE  
23 CLEARLY AND UNAMBIGUOUSLY PRINTED ON THE FIRST PAGE OF THE STATE  
24 INDIVIDUAL INCOME TAX RETURN.

25 (3) AN AMOUNT EQUAL TO THE CUMULATIVE AMOUNTS DESIGNATED  
26 UNDER SUBSECTION (1) EACH YEAR SHALL BE APPROPRIATED ANNUALLY  
27 FROM THE GENERAL FUND OF THIS STATE TO THE FUND TO BE AVAILABLE

1 BEGINNING JANUARY 1 AND CONTINUING THROUGH DECEMBER 31 OF EACH  
2 ELECTION YEAR.

3 SEC. 94. (1) TO BE ELIGIBLE FOR CERTIFICATION, A PARTICI-  
4 PATING JUDICIAL CANDIDATE SHALL MEET BOTH OF THE FOLLOWING  
5 REQUIREMENTS:

6 (A) HE OR SHE SHALL ONLY COLLECT AND SPEND CONTRIBUTIONS  
7 DURING THE PARTICIPATING CONTRIBUTION PERIOD.

8 (B) HE OR SHE SHALL NOT MAKE OR CAUSE AN EXPENDITURE TO BE  
9 MADE FROM PRIVATE MONEY DEPOSITED TO HIS OR HER CANDIDATE COMMIT-  
10 TEE DURING THE CURRENT ELECTION CYCLE AND BEFORE FILING A DECLA-  
11 RATION OF INTENT UNDER SUBSECTION (3).

12 (2) A CERTIFIED CANDIDATE SHALL NOT COLLECT OR SPEND PARTIC-  
13 IPATING CONTRIBUTIONS AFTER CERTIFICATION.

14 (3) A PARTICIPATING CANDIDATE SHALL FILE A DECLARATION OF  
15 INTENT TO SEEK CERTIFICATION UNDER SECTION 97 AS A CANDIDATE AND  
16 TO COMPLY WITH THE REQUIREMENTS OF THE FUNDING LAW. USING FORMS  
17 AND PROCEDURES DEVELOPED BY THE SECRETARY OF STATE, THE CANDIDATE  
18 SHALL FILE THE DECLARATION OF INTENT WITH THE SECRETARY OF STATE  
19 BEFORE OR DURING THE PARTICIPATING CONTRIBUTION PERIOD, EXCEPT AS  
20 OTHERWISE PROVIDED BY RULE FOR A SPECIAL ELECTION, VACANCY,  
21 RECOUNT, WITHDRAWAL, OR REPLACEMENT. A PARTICIPATING JUDICIAL  
22 CANDIDATE SHALL FILE A DECLARATION OF INTENT BEFORE THE CANDIDATE  
23 COLLECTS PARTICIPATING CONTRIBUTIONS.

24 SEC. 95. (1) AFTER BECOMING A CANDIDATE AND BEFORE BECOMING  
25 A CERTIFIED CANDIDATE, A PARTICIPATING JUDICIAL CANDIDATE SHALL  
26 NOT ACCEPT CONTRIBUTIONS EXCEPT FOR PARTICIPATING CONTRIBUTIONS.

1 (2) AS 1 REQUIREMENT FOR BECOMING A CERTIFIED CANDIDATE, A  
2 PARTICIPATING JUDICIAL CANDIDATE SHALL OBTAIN PARTICIPATING  
3 CONTRIBUTIONS DURING THE PARTICIPATING CONTRIBUTION PERIOD IN THE  
4 AMOUNT OF \$50,000.00 OR MORE.

5 (3) A PAYMENT, GIFT, OR ANYTHING OF VALUE SHALL NOT BE GIVEN  
6 IN EXCHANGE FOR A PARTICIPATING CONTRIBUTION.

7 SEC. 96. A PARTICIPATING JUDICIAL CANDIDATE SHALL SUBMIT A  
8 PARTICIPATING CONTRIBUTION AND EXPENDITURE REPORT TO THE SECRE-  
9 TARY OF STATE AFTER THE PARTICIPATING CONTRIBUTION PERIOD IN COM-  
10 PLIANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE.

11 SEC. 97. (1) UPON RECEIPT OF A PARTICIPATING CONTRIBUTION  
12 AND EXPENDITURE REPORT BY A PARTICIPATING JUDICIAL CANDIDATE, THE  
13 SECRETARY OF STATE SHALL DETERMINE IF THE CANDIDATE HAS MET ALL  
14 OF THE FOLLOWING REQUIREMENTS FOR CERTIFICATION:

15 (A) SIGNED AND FILED A DECLARATION OF INTENT TO PARTICIPATE  
16 UNDER THE PUBLIC CAMPAIGN FUNDING LAW.

17 (B) COLLECTED PARTICIPATING CONTRIBUTIONS IN THE AMOUNT OF  
18 \$50,000.00 OR MORE.

19 (C) DID NOT ACCEPT CONTRIBUTIONS, EXCEPT FOR PARTICIPATING  
20 CONTRIBUTIONS.

21 (D) DID NOT MAKE OR CAUSE AN EXPENDITURE TO BE MADE FROM  
22 PRIVATE MONEY DEPOSITED IN HIS OR HER CANDIDATE COMMITTEE DURING  
23 THE CURRENT ELECTION CYCLE AND BEFORE FILING A DECLARATION OF  
24 INTENT TO PARTICIPATE UNDER THE FUNDING LAW.

25 (E) WAS NOMINATED AT A POLITICAL PARTY'S FALL CONVENTION AS  
26 PROVIDED BY SECTION 392 OF THE MICHIGAN ELECTION LAW, 1954  
27 PA 116, MCL 168.392, OR IS AN INCUMBENT SUPREME COURT JUSTICE WHO

1 HAS FILED AN AFFIDAVIT OF CANDIDACY UNDER SECTION 392A OF THE  
2 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.392A.

3       (2) THE SECRETARY OF STATE SHALL CERTIFY A PARTICIPATING  
4 JUDICIAL CANDIDATE WHO COMPLIES WITH THE REQUIREMENTS OF THIS  
5 SECTION AS A CERTIFIED CANDIDATE AS SOON AS POSSIBLE AND NO LATER  
6 THAN 3 DAYS AFTER THE REQUIREMENTS OF SUBSECTION (1) ARE MET.  
7 THE SECRETARY OF STATE SHALL NOTIFY A CANDIDATE WHO HAS NOT COM-  
8 PLIED WITH THE REQUIREMENTS OF THIS SECTION THAT HE OR SHE IS  
9 BEING DENIED CERTIFICATION AS A CERTIFIED CANDIDATE AND THE REA-  
10 SONS FOR THAT DENIAL AS SOON AS POSSIBLE AND NO LATER THAN 3 DAYS  
11 AFTER THE SUBMISSION OF A PARTICIPATING CONTRIBUTION AND EXPENDI-  
12 TURE REPORT.

13       SEC. 98. (1) A CERTIFIED CANDIDATE SHALL LIMIT THE CERTI-  
14 FIED CANDIDATE'S CAMPAIGN EXPENDITURES AND OBLIGATIONS, INCLUDING  
15 OUTSTANDING OBLIGATIONS, TO THE PARTICIPATING CONTRIBUTIONS  
16 RECEIVED DURING THE PARTICIPATING CONTRIBUTION PERIOD AND THE  
17 REVENUES DISTRIBUTED TO THE CERTIFIED CANDIDATE FROM THE FUND. A  
18 CERTIFIED CANDIDATE SHALL NOT ACCEPT A CONTRIBUTION AFTER THE  
19 CONCLUSION OF THE PARTICIPATING CONTRIBUTION PERIOD UNLESS SPE-  
20 CIFICALLY AUTHORIZED BY THE SECRETARY OF STATE.

21       (2) A CERTIFIED CANDIDATE SHALL USE THE MONEY UNDER  
22 SUBSECTION (1) ONLY FOR CAMPAIGN-RELATED PURPOSES PERMITTED BY  
23 THE SECRETARY OF STATE PROCEDURES. THE SECRETARY OF STATE SHALL  
24 PUBLISH PROCEDURES OUTLINING PERMISSIBLE CAMPAIGN-RELATED  
25 EXPENDITURES.

1        SEC. 99. (1) THE SECRETARY OF STATE SHALL DIRECT THE STATE  
2 TREASURER TO DISTRIBUTE TO CERTIFIED CANDIDATES MONEY IN AMOUNTS  
3 DETERMINED UNDER SECTION 100 WITHIN 3 DAYS AFTER CERTIFICATION.

4        (2) THE STATE TREASURER MAY DISTRIBUTE MONEY FROM THE FUND  
5 TO CERTIFIED CANDIDATES UNDER THIS SECTION BY ANY MECHANISM THAT  
6 IS EXPEDITIOUS, ENSURES ACCOUNTABILITY, AND SAFEGUARDS THE INTEG-  
7 RITY OF THE FUND.

8        SEC. 100. (1) ON OR BEFORE JULY 1, 2001, AND ON OR BEFORE  
9 JULY 1 OF EACH SECOND YEAR AFTER 2001 IN WHICH THERE IS A CON-  
10 TESTED ELECTION FOR SUPREME COURT JUSTICE, THE SECRETARY OF STATE  
11 SHALL DETERMINE THE AMOUNT OF MONEY TO BE DISTRIBUTED TO EACH  
12 CERTIFIED CANDIDATE. THE AMOUNT IS THE AVERAGE AMOUNT OF CAM-  
13 PAIGN EXPENDITURES MADE BY EACH CANDIDATE DURING CONTESTED GEN-  
14 ERAL ELECTION RACES FOR THE 2 GENERAL ELECTIONS IMMEDIATELY  
15 BEFORE THE CURRENT GENERAL ELECTION, AS REPORTED IN THE INITIAL  
16 FILING PERIOD AFTER THE GENERAL ELECTION, FOR THE ELECTION FOR  
17 SUPREME COURT.

18        (2) IF THE 2 ELECTION CYCLES IMMEDIATELY BEFORE THE CURRENT  
19 ELECTION CYCLE DO NOT CONTAIN SUFFICIENT ELECTORAL DATA, THE SEC-  
20 RETARY OF STATE SHALL USE INFORMATION FROM THE MOST RECENT APPLI-  
21 CABLE ELECTIONS.

22        SEC. 101. (1) IF A CAMPAIGN STATEMENT OR REPORT FILED BY A  
23 PARTICIPATING JUDICIAL CANDIDATE'S COMMITTEE SHOWS AN AMOUNT  
24 EXCEEDING THE DISTRIBUTION AMOUNT UNDER SECTION 100 COMBINED WITH  
25 PARTICIPATING CONTRIBUTIONS COLLECTED DURING THE PARTICIPATING  
26 CONTRIBUTION PERIOD, THE SECRETARY OF STATE SHALL IMMEDIATELY  
27 ISSUE TO EACH OPPOSING CERTIFIED CANDIDATE AN ADDITIONAL AMOUNT

1 EQUIVALENT TO THE REPORTED EXCESS. TO DETERMINE THE AMOUNT OF  
2 THE EXCESS AMOUNT, THE SECRETARY OF STATE SHALL ADD THE GREATER  
3 OF THE SUM OF A CANDIDATE'S EXPENDITURES AND OBLIGATIONS OR MONEY  
4 RAISED AND BORROWED TO INDEPENDENT EXPENDITURES REPORTED UNDER  
5 SECTION 51.

6 (2) AN ADDITIONAL AMOUNT PROVIDED TO AN OPPOSING CERTIFIED  
7 CANDIDATE UNDER THIS SECTION IS LIMITED TO 3 TIMES THE AMOUNT  
8 ORIGINALLY DISTRIBUTED UNDER SECTION 100.

9 SEC. 103. (1) A CERTIFIED OR PARTICIPATING JUDICIAL CANDI-  
10 DATE SHALL REPORT ALL MONEY COLLECTED AND EACH CAMPAIGN EXPENDI-  
11 TURE, OBLIGATION, AND RELATED ACTIVITY TO THE SECRETARY OF STATE  
12 ACCORDING TO PROCEDURES DEVELOPED BY THE SECRETARY OF STATE.  
13 UPON THE FILING OF A FINAL REPORT AFTER THE GENERAL ELECTION, THE  
14 CANDIDATE SHALL RETURN ALL UNSPENT MONEY TO THE SECRETARY OF  
15 STATE FOR DEPOSIT IN THE FUND.

16 (2) IN DEVELOPING THE PROCEDURES UNDER SUBSECTION (1), THE  
17 SECRETARY OF STATE SHALL UTILIZE EXISTING CAMPAIGN REPORTING PRO-  
18 CEDURES, WHENEVER PRACTICABLE. THE SECRETARY OF STATE SHALL  
19 ENSURE TIMELY PUBLIC ACCESS TO CAMPAIGN FINANCE DATA AND MAY UTI-  
20 LIZE ELECTRONIC MEANS OF REPORTING AND STORING INFORMATION. THE  
21 SECRETARY OF STATE SHALL DEVELOP AND MAKE AVAILABLE TO A CERTI-  
22 FIED OR PARTICIPATING JUDICIAL CANDIDATE THE NECESSARY SOFTWARE  
23 FOR FILING THE REPORTS REQUIRED UNDER THE PUBLIC CAMPAIGN FUNDING  
24 LAW BY ELECTRONIC MEANS.

25 SEC. 105. (1) A CANDIDATE WHO IS DENIED CERTIFICATION AS A  
26 CERTIFIED CANDIDATE OR THE OPPONENT OF A CANDIDATE WHO IS GRANTED  
27 CERTIFICATION AS A CERTIFIED CANDIDATE MAY CHALLENGE A

1 CERTIFICATION DECISION BY THE SECRETARY OF STATE. A CHALLENGE  
2 SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

3 (A) THE CHALLENGER SHALL APPEAL TO THE SECRETARY OF STATE  
4 WITHIN 3 DAYS AFTER THE CERTIFICATION DECISION. THE CHALLENGER  
5 SHALL APPEAL IN WRITING AND SHALL SET FORTH THE REASONS FOR THE  
6 APPEAL.

7 (B) WITHIN 5 DAYS AFTER AN APPEAL IS PROPERLY MADE AND AFTER  
8 NOTICE IS GIVEN TO THE CHALLENGER AND EACH OPPONENT, THE SECRE-  
9 TARY OF STATE SHALL HOLD A HEARING. THE CHALLENGER HAS THE  
10 BURDEN OF PROVIDING EVIDENCE TO DEMONSTRATE THAT THE SECRETARY OF  
11 STATE'S DECISION WAS IMPROPER. THE SECRETARY OF STATE SHALL RULE  
12 ON THE APPEAL WITHIN 3 DAYS AFTER THE COMPLETION OF THE HEARING.

13 (C) A CHALLENGER MAY APPEAL THE DECISION OF THE SECRETARY OF  
14 STATE UNDER SUBDIVISION (B) BY COMMENCING AN ACTION IN THE COURT  
15 OF CLAIMS.

16 (D) A CANDIDATE WHOSE DETERMINATION BY THE SECRETARY OF  
17 STATE AS A CERTIFIED CANDIDATE IS REVOKED ON APPEAL SHALL RETURN  
18 TO THE SECRETARY OF STATE ALL UNSPENT MONEY DISTRIBUTED FROM THE  
19 FUND.

20 (E) IF THE SECRETARY OF STATE OR COURT OF CLAIMS FINDS THAT  
21 AN APPEAL WAS MADE FRIVOLOUSLY OR TO CAUSE DELAY OR HARDSHIP, THE  
22 SECRETARY OF STATE OR COURT MAY REQUIRE THE MOVING PARTY TO PAY  
23 COSTS OF THE SECRETARY OF STATE, COURT, AND EACH OPPOSING PARTY,  
24 IF ANY.

25 (2) THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
26 MCL 24.201 TO 24.328, APPLIES TO THIS SECTION.



1        SEC. 107. THE SECRETARY OF STATE SHALL ADOPT RULES UNDER  
2 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
3 MCL 24.201 TO 24.328, TO ENSURE EFFECTIVE ADMINISTRATION OF THE  
4 FUNDING LAW. THE SECRETARY OF STATE SHALL ADOPT RULES INCLUDING,  
5 BUT NOT LIMITED TO, PROCEDURES FOR ALL OF THE FOLLOWING:

6        (A) OBTAINING PARTICIPATING CONTRIBUTIONS.

7        (B) CERTIFICATION AS A FUNDING LAW CANDIDATE.

8        (C) CIRCUMSTANCES INVOLVING A SPECIAL ELECTION, VACANCY,  
9 RECOUNT, WITHDRAWAL, OR REPLACEMENT.

10       (D) COLLECTION OF MONEY FOR THE FUND.

11       (E) DISTRIBUTION OF MONEY TO A CERTIFIED CANDIDATE.

12       (F) RETURN OF AN UNSPENT FUND DISBURSEMENT.

13       (G) COMPLIANCE WITH THE FUNDING LAW.

14       SEC. 108. (1) A PERSON WHO VIOLATES A PROVISION OF THE  
15 FUNDING LAW IS SUBJECT TO A CIVIL FINE NOT TO EXCEED \$10,000.00  
16 PER VIOLATION. THIS SANCTION IS RECOVERABLE IN A CIVIL ACTION.  
17 A FINE PAID UNDER THIS SECTION SHALL BE DEPOSITED IN THE FUND.

18       (2) IN ADDITION TO A FINE, FOR GOOD CAUSE SHOWN, A CERTIFIED  
19 CANDIDATE FOUND IN VIOLATION OF THE FUNDING LAW MAY BE REQUIRED  
20 TO REIMBURSE THE FUND FOR ALL MONEY DISTRIBUTED TO THE CERTIFIED  
21 CANDIDATE FROM THE FUND.

22       (3) IF THE SECRETARY OF STATE MAKES A DETERMINATION THAT A  
23 VIOLATION OF THE FUNDING LAW HAS OCCURRED, THE SECRETARY OF STATE  
24 SHALL ASSESS A FINE AND TRANSMIT THE FINDING TO THE ATTORNEY GEN-  
25 ERAL FOR A DECISION REGARDING PROSECUTION.

26       (4) A PERSON WHO KNOWINGLY VIOLATES THE FUNDING LAW OR RULES  
27 PROMULGATED BY THE SECRETARY OF STATE OR WHO KNOWINGLY MAKES A

1 FALSE STATEMENT IN A REPORT REQUIRED BY THE FUNDING LAW 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. IF THE PERSON DESCRIBED IN  
6 THIS SUBSECTION IS A CERTIFIED CANDIDATE, THAT PERSON SHALL REIM-  
7 BURSE THE FUND FOR ALL MONEY DISTRIBUTED TO THE CERTIFIED  
8 CANDIDATE.

9 (5) THE PENALTIES AND REMEDIES UNDER THE FUNDING LAW ARE  
10 CUMULATIVE AND INDEPENDENT AND THE USE OF PENALTIES OR REMEDIES,  
11 OR BOTH, UNDER THE FUNDING LAW DOES NOT PROHIBIT THE PROSECUTION  
12 OF, OR AN ACTION TO RECOVER DAMAGES FOR, CONDUCT PROSCRIBED UNDER  
13 THE FUNDING LAW OR ANOTHER APPLICABLE LAW.

14 SEC. 109. ON OR BEFORE JANUARY 30, 2002, AND ON OR BEFORE  
15 JANUARY 30 IN EVERY SECOND YEAR AFTER 2002, THE SECRETARY OF  
16 STATE SHALL PREPARE FOR THE HOUSE OVERSIGHT COMMITTEE AND THE  
17 SENATE GOVERNMENT OPERATIONS COMMITTEE A REPORT DOCUMENTING,  
18 EVALUATING, AND MAKING RECOMMENDATIONS RELATING TO THE ADMINIS-  
19 TRATION, IMPLEMENTATION, AND ENFORCEMENT OF THE FUNDING LAW AND  
20 THE FUND.