

HOUSE BILL NO. 5257

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

A bill to regulate political activity; to require candidates for the governing boards of certain state universities 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 university
2 board member financial disclosure act".

1 Sec. 2. As used in this act:

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

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

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

10 (d) "Candidate for office" means a candidate for any of the
11 following offices:

12 (i) Regent of the University of Michigan.

13 (ii) Member of the board of trustees of Michigan State
14 University.

15 (iii) Member of the board of governors of Wayne State
16 University.

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

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

23 (g) "Gift" means that term as defined in section 4 of 1978 PA
24 472, MCL 4.414.

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

27 (i) "Income" means money or any thing of value received, or to
28 be received as a claim on future services, whether in the form of a
29 fee, salary, expense, allowance, forbearance, forgiveness,

1 interest, dividend, royalty, rent, capital gain, or any other form
2 of recompense that is considered income under the internal revenue
3 code of 1986, 26 USC 1 to 9834.

4 (j) "Liabilities" means what a person owes to another person,
5 including, but not limited to, mortgages or other debts. For
6 purposes of this act, a debt does not include a revolving or
7 unsecured debt that is from a financial institution or the federal
8 government.

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

11 (l) "Lobbyist agent" means that term as defined in section 5 of
12 1978 PA 472, MCL 4.415.

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

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

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

18 (ii) For subsequent reports required to be filed under section
19 3, January 1 to December 31 of the preceding calendar year in which
20 the report is filed.

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

23 (p) "Unearned income" means income that is not earned from
24 employment, including, but not limited to, inheritance money,
25 financial prize, unemployment benefits, annuities, stock dividends,
26 deferred compensation, pension, profit sharing, or retirement
27 income.

28 Sec. 3. (1) An individual who is a candidate for office at any
29 time during a calendar year shall electronically file with the

1 secretary of state a report that meets the requirements of section
2 4. The report required to be filed under this subsection must first
3 be filed by April 15, 2024 and by May 15 of each year thereafter,
4 or if the candidate for office files a statement of organization
5 for that candidate's candidate committee after May 15 in order to
6 be nominated by a political party at the political party's
7 nominating convention, the report required to be filed under this
8 subsection must be filed no later than 30 days after that candidate
9 files the statement of organization for that candidate's candidate
10 committee. This subsection does not apply to an individual who,
11 under any of the following acts, files a report in the current
12 calendar year:

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

14 (b) Candidate for the state board of education financial
15 disclosure act.

16 (c) Executive office financial disclosure act.

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

18 (e) State representative financial disclosure act.

19 (f) Candidate for state representative financial disclosure
20 act.

21 (g) State senator financial disclosure act.

22 (h) Candidate for state senator financial disclosure act.

23 (i) University board member financial disclosure act.

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

29 Sec. 4. (1) Subject to subsection (4) and except as provided

1 in section 5, a report required under section 3 must include a
2 complete statement of all of the following:

3 (a) The following information regarding the candidate for
4 office during the reporting period:

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

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

9 (iii) The source and type of all income, including earned and
10 unearned income, received by the candidate for office. For purposes
11 of this subparagraph, the candidate for office shall report a
12 source of income only if the income received from that source is
13 \$1,000.00 or more and indicate whether the amount of income
14 received from each source of income is between \$1,000.00 and
15 \$49,999.99 or \$50,000.00 or more.

16 (iv) A description of each real property or property that the
17 candidate for office has an ownership interest in, including, but
18 not limited to, commercial, industrial, or agricultural buildings.
19 For purposes of this subparagraph, the candidate for office is
20 required to include a real property or property described under
21 this subparagraph in the report only if that real property or
22 property has a fair market value of \$1,000.00 or more during the
23 reporting period. A candidate for office may exclude the street
24 number of a parcel of real property or property listed under this
25 subparagraph.

26 (v) A description of any stocks, bonds, commodities, futures,
27 shares in mutual funds, or other forms of securities defined under
28 26 USC 1236 held by the candidate for office or held jointly with
29 the candidate for office's spouse. For purposes of this

1 subparagraph, the candidate for office is required to include a
2 security described under this subparagraph in the report only if
3 that security has a total value of \$1,000.00 or more on a specified
4 day that is within the final month of the calendar year covered in
5 the reporting period.

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

11 (vii) The identity of all compensated positions held by the
12 candidate for office as an officer, director, member, trustee,
13 partner, proprietor, representative, employee, or consultant of a
14 corporation, limited liability company, limited partnership,
15 partnership, or other business enterprise; of a nonprofit
16 organization; of a labor organization; or of an educational
17 institution or other institution other than this state, if the
18 total compensation received from a position equals \$1,000.00 or
19 more during the reporting period. A position reported under this
20 subparagraph must include the title of the position, the name of
21 the entity within which the position exists, and the principal
22 activity of the entity. A position held in any religious, social,
23 fraternal, or political entity, or a position that is solely of an
24 honorary nature, is excluded under this subparagraph.

25 (viii) The date, parties to, and general terms of any agreements
26 or arrangements with respect to future employment, a leave of
27 absence while serving as a candidate for office, continuation or
28 deferral of payments by a former or current employer other than
29 this state, or continuing participation in an employee welfare or

1 benefit plan maintained by a former employer.

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

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

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

9 (xii) If the candidate for office filing the report or an
10 immediate family member of that candidate for office was required
11 during the reporting period to register as a lobbyist or lobbyist
12 agent under section 7 of 1978 PA 472, MCL 4.417, the name, address,
13 and principal activity of all persons who gave compensation to or
14 reimbursed the candidate for office or the immediate family member
15 of the candidate for office for lobbying.

16 (xiii) A description of any interest the candidate for office
17 had during the reporting period in a legal entity that conducts
18 business in this state, if the interest has a book value of
19 \$1,000.00 or more. For purposes of this subparagraph, the candidate
20 for office shall indicate for each legal entity the candidate for
21 office has an interest in the name of the legal entity and if the
22 financial value in the legal entity is between \$1,000.00 and
23 \$49,999.99 or \$50,000.00 and more.

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

27 (xv) A description of any employment that the candidate for
28 office or the immediate family member of the candidate for office
29 had with this state at any time during the reporting period. For

1 purposes of this subparagraph, if the candidate for office or the
2 immediate family member of the candidate for office was employed by
3 this state, the name of the state agency or department and a
4 description of the position with the state agency or department
5 must be included.

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

11 (b) Beginning January 1, 2028, the following information
12 regarding the spouse of the candidate for office during the
13 reporting period:

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

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

18 (iii) The source and type of all income, including earned and
19 unearned income received by the spouse of the candidate for office.
20 For purposes of this subparagraph, the spouse of the candidate for
21 office is required to include the source of income described under
22 this subparagraph only if the total income from that source equals
23 \$50,000.00 or more during that reporting period.

24 (iv) A description of each real property or property that the
25 spouse of the candidate for office has an ownership interest in,
26 including, but not limited to, commercial, industrial, or
27 agricultural buildings. For purposes of this subparagraph, the
28 spouse of the candidate for office is required to include a real
29 property or property described under this subparagraph in the

1 report only if the real property or property had a fair market
2 value of \$50,000.00 or more at any time the real property was held
3 during that reporting period. The street number of a parcel of real
4 property listed under this subparagraph may be excluded from the
5 report.

6 (v) A description of any stocks, bonds, commodities, futures,
7 shares in mutual funds, or other forms of securities held by the
8 spouse of the candidate for office. For purposes of this
9 subparagraph, the spouse of the candidate for office is required to
10 include a security described under this subparagraph in the report
11 only if the security has a total aggregate fair market value of
12 \$50,000.00 or more on a specified day that is within the final
13 month of the calendar year covered in the reporting period.

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

18 (c) Beginning January 1, 2028, the following information
19 regarding a dependent of the candidate for office during the
20 reporting period; for purposes of this subdivision, the candidate
21 for office may refer to each dependent using the dependent's first
22 and last initial:

23 (i) The number of dependents that the candidate for office and
24 the spouse of the candidate for office claim for federal income tax
25 purposes.

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

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

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

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

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

27 (2) Subject to subsection (4), information a candidate for
28 office is required to report under this section includes
29 information with respect to the income from a trust or other

1 financial arrangement from which income is received by, or with
2 respect to which a beneficial interest in principal or income is
3 held by, the candidate for office required to file a report under
4 this section or an immediate family member of the candidate for
5 office.

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

10 (4) If a candidate for office required to file a report under
11 section 3 or an immediate family member of the candidate for office
12 holds a beneficial interest in a blind trust, the candidate for
13 office is not required to include the interests or assets of the
14 blind trust in the candidate for office's statement under
15 subsection (1). However, the candidate for office must indicate in
16 the candidate for office's report that the candidate for office or
17 the immediate family member of the candidate for office holds a
18 beneficial interest in a blind trust.

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

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

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

26 (b) An item otherwise required to be reported under section
27 4(1) (a) (iv) or (v), (b) (iv) or (v), or (c) (iv) or (v) if all of the
28 following apply:

29 (i) The item represents the exclusive financial interest and

1 responsibility of the spouse or dependent of the candidate for
2 office about which the candidate for office does not have actual
3 knowledge.

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

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

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

11 (d) An item that concerns income of the candidate for office
12 or the spouse of that candidate for office arising from dissolution
13 of the candidate for office's marriage or a permanent legal
14 separation from the candidate for office's spouse.

15 (e) Benefits received under the social security act, chapter
16 531, 49 Stat 620.

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

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

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

24 (c) Create all forms, instructions, and manuals required under
25 this act.

26 (d) Promulgate rules and issue declaratory rulings to
27 implement this act under the administrative procedures act of 1969,
28 1969 PA 306, MCL 24.201 to 24.328.

29 (e) On receiving a written request and the required filing,

1 waive payment of a late filing fee if the request for the waiver is
2 based on good cause and accompanied by adequate documentation. One
3 or more of the following reasons constitute good cause for a late
4 filing fee waiver:

5 (i) The incapacitating physical illness, hospitalization,
6 accident involvement, death, or incapacitation for medical reasons
7 of a candidate for office.

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

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

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

25 (2) Except as otherwise provided in subsection (13), the
26 secretary of state shall issue a declaratory ruling under this
27 section only if the person requesting the ruling has provided a
28 reasonably complete statement of facts necessary for the ruling or
29 if the person requesting the ruling has, with the permission of the

1 secretary of state, supplied supplemental facts necessary for the
2 ruling. Within 2 business days after receiving a request for a
3 declaratory ruling, the secretary of state shall make the request
4 available in the manner provided for under subsection (1)(f). An
5 interested person may submit written comments regarding the request
6 to the secretary of state within 10 business days after the date
7 the request is made available to the public. Within 45 business
8 days after receiving a declaratory ruling request, the secretary of
9 state shall make a proposed response available in the manner
10 provided for under subsection (1)(f). An interested person may
11 submit written comments regarding the proposed response to the
12 secretary of state within 5 business days after the date the
13 proposal is made available to the public. Except as otherwise
14 provided in this section, the secretary of state shall issue a
15 declaratory ruling within 60 business days after receiving a
16 request for a declaratory ruling. If the secretary of state refuses
17 to issue a declaratory ruling, the secretary of state shall notify
18 the person making the request of the reasons for the refusal and
19 issue an interpretative statement providing an informational
20 response to the question presented within the 60-day period. A
21 declaratory ruling or interpretative statement issued under this
22 section must not state a general rule of law, other than that which
23 is stated in this act, until the general rule of law is promulgated
24 by the secretary of state as a rule under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under
26 judicial order.

27 (3) Under extenuating circumstances, the secretary of state
28 may issue a notice extending, for not more than 30 business days,
29 the period during which the secretary of state shall respond to a

1 request for a declaratory ruling. The secretary of state shall not
2 issue more than 1 notice of extension for a particular request. A
3 person requesting a declaratory ruling may waive, in writing, the
4 time limitations provided by this section.

5 (4) A person may file with the secretary of state a complaint
6 that alleges a violation of this act. Within 5 business days after
7 a complaint that meets the requirements of subsection (5) is filed,
8 the secretary of state shall notify the person against whom the
9 complaint is filed. The notice must be in writing and include a
10 copy of the complaint. Within 15 business days after the
11 notification, the person against whom the complaint was filed may
12 submit a response to the secretary of state. The secretary of state
13 may extend the period for submitting a response an additional 15
14 business days for good cause. The secretary of state shall send a
15 copy of a response received to the complainant. Within 10 business
16 days after the response is sent, the complainant may submit a
17 rebuttal statement to the secretary of state. The secretary of
18 state may extend the period for submitting a rebuttal statement an
19 additional 10 business days for good cause. The secretary of state
20 shall provide a copy of the rebuttal statement to the person
21 against whom the complaint was filed. If, on review of the
22 complaint, the secretary of state determines that the complaint is
23 frivolous, illegible, indefinite, or unsigned, or does not identify
24 an alleged violator, allege a violation of the act or the rules
25 promulgated under this act, or contain a verification statement,
26 the secretary of state may summarily dismiss the complaint without
27 prejudice. If a complaint is summarily dismissed, the complainant
28 shall be notified in writing as to the reason the complaint was
29 dismissed.

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

3 (a) Be signed by the complainant.

4 (b) State the name, address, and telephone number of the
5 complainant.

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

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

21 (7) The secretary of state shall investigate allegations
22 brought under this act under the rules promulgated under this act.
23 If an allegation involves the secretary of state, or a spouse or
24 dependent of the secretary of state, the secretary of state shall
25 refer the matter to the attorney general to determine whether a
26 violation of this act occurred.

27 (8) No later than 45 business days after receiving a rebuttal
28 statement submitted under subsection (4) or, if no response or
29 rebuttal is received under subsection (4), 45 business days after

1 receiving a complaint under subsection (4), the secretary of state
2 shall post on the secretary of state's website whether there may be
3 reason to believe that a violation of this act occurred. If the
4 secretary of state determines whether there may be reason to
5 believe that a violation of this act occurred or determines to
6 terminate its proceedings, the secretary of state shall, within 30
7 days after that determination, post on the secretary of state's
8 website any complaint, response, or rebuttal statement received
9 under subsection (4) regarding that violation or alleged violation
10 and any correspondence that is dispositive of that violation or
11 alleged violation between the secretary of state and the
12 complainant or the person against whom the complaint was filed. If
13 the secretary of state determines that there may be reason to
14 believe that a violation of this act occurred, the secretary of
15 state shall endeavor to correct the violation or prevent a further
16 violation by using informal methods such as a conference,
17 conciliation, or persuasion, and may enter into a conciliation
18 agreement with the person involved. Unless violated, a conciliation
19 agreement is a complete bar to any further civil action with
20 respect to matters covered in the conciliation agreement. The
21 secretary of state shall, within 30 days after a conciliation
22 agreement is signed, post that agreement on the secretary of
23 state's website. If, after 90 business days, the secretary of state
24 is unable to correct or prevent further violation by these informal
25 methods, the secretary of state may commence a hearing as provided
26 in subsection (9) for enforcement of this act.

27 (9) The secretary of state may commence a hearing to determine
28 whether a violation of this act occurred. The hearing must be
29 conducted under chapter 4 of the administrative procedures act of

1 1969, 1969 PA 306, MCL 24.271 to 24.288.

2 (10) A final decision or order issued by the secretary of
3 state under this act is subject to judicial review as provided by
4 chapter 6 of the administrative procedures act of 1969, 1969 PA
5 306, MCL 24.301 to 24.306. The secretary of state shall deposit a
6 civil fine imposed under this act in the general fund. The
7 secretary of state may bring an action in circuit court to recover
8 the amount of a civil fine.

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

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

20 (13) The secretary of state may refuse to issue a declaratory
21 ruling under subsection (2) if the request is anonymous, the
22 secretary of state determines that the subject matter of the
23 request is frivolous on its face, or the request is indefinite or
24 lacks specificity. If the secretary of state refuses to issue a
25 declaratory ruling, the person requesting the ruling, if known,
26 shall be notified of the reason for the refusal.

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

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

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

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

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

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

28 Sec. 8. (1) A candidate for office who fails to file a report
29 as required under this act shall pay a late filing fee determined

1 as follows:

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

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

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

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

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

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

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