MICHIGAN CAMPAIGN FINANCE ACT
Act 388 of 1976

AN ACT to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1994, Act 385, Eff. Jan. 1, 1995.

The People of the State of Michigan enact:

169.201 Short title; meanings of words and phrases.

Sec. 1. (1) This act shall be known and may be cited as the "Michigan campaign finance act".

(2) Except as otherwise defined in this act, the words and phrases defined in sections 2 to 12 shall, for the purposes of this act, have the meanings ascribed to them in those sections.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989.

169.202 Definitions; A, B.

Sec. 2. (1) "Award" means a plaque, trophy, certificate, bust, ceremonial gavel, or memento.

(2) "Ballot question" means a question that is submitted or is intended to be submitted to a popular vote at an election whether or not it qualifies for the ballot.

(3) "Ballot question committee" means a committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.

(4) "Bundle" means for a bundling committee to deliver 1 or more contributions from individuals to the candidate committee of a candidate for statewide elective office, without the money becoming money of the bundling committee.

(5) "Bundling committee" means an independent committee or political committee that makes an expenditure to solicit or collect from individuals contributions that are to be part of a bundled contribution, which expenditure is required to be reported as an in-kind expenditure for a candidate for statewide elective office.

(6) "Business" means a corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity, or entity that is organized for profit or nonprofit purposes.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1994, Act 385, Eff. Jan. 1, 1995;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

169.203 Definitions; C.

Sec. 3. (1) "Candidate" means an individual who meets 1 or more of the following criteria:

(a) Files a fee, an affidavit of incumbency, or a nominating petition for an elective office.

(b) Is nominated as a candidate for elective office by a political party caucus or convention and whose nomination is certified to the appropriate filing official.

(c) Receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made.

(d) Is an officeholder who is the subject of a recall vote.

(e) Holds an elective office, unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline. An individual described in this subdivision is considered to be a candidate for reelection to that same office for the purposes of this act only.

For purposes of sections 61 to 71, "candidate" only means, in a primary election, a candidate for the office of governor and, in a general election, a candidate for the office of governor or lieutenant governor. However, the candidates for the office of governor and lieutenant governor of the same political party in a general

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election are considered as 1 candidate.

(2) "Candidate committee" means the committee designated in a candidate's filed statement of organization as that individual's candidate committee. A candidate committee must be under the control and direction of the candidate named in the same statement of organization. Notwithstanding subsection (4), an individual shall form a candidate committee under section 21 if the individual becomes a candidate under subsection (1).

(3) "Closing date" means the date through which a campaign statement is required to be complete.

(4) "Committee" means a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, if contributions received total $500.00 or more in a calendar year or expenditures made total $500.00 or more in a calendar year. Except as restricted or prohibited by this act or other state or federal law, a committee may also make other lawful disbursements. An individual, other than a candidate, does not constitute a committee. A person, other than a committee registered under this act, making an expenditure to a ballot question committee or an independent expenditure committee, shall not, for that reason, be considered a committee or be required to file a report for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee or independent expenditure committee.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1977, Act 310, Imd. Eff. Jan. 4, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

169.204 "Contribution" defined.

Sec. 4. (1) "Contribution" means a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.

(2) Contribution includes the full purchase price of tickets or payment of an attendance fee for events such as dinners, luncheons, rallies, testimonials, and other fund-raising events; an individual's own money or property other than the individual's homestead used on behalf of that individual's candidacy; the granting of discounts or rebates not available to the general public; or the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office; and the endorsing or guaranteeing of a loan for the amount the endorser or guarantor is liable. Except for the purposes of section 57, contribution does not include a contribution to a federal candidate or a federal committee.

(3) Contribution does not include any of the following:

(a) Volunteer personal services provided without compensation, or payments of costs incurred of less than $500.00 in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any understanding or agreement that the costs shall be, directly or indirectly, repaid.

(b) Food and beverages, not to exceed $1,000.00 in value during a calendar year, that are donated by an individual and for which reimbursement is not given.

(c) An offer or tender of a contribution if expressly and unconditionally rejected, returned, or refunded in whole or in part within 30 business days after receipt.

(d) A contribution or expenditure for the establishment or administration of, or solicitation, collection, or transfer of contributions to, a separate segregated fund, or for mailing or shipping of an item or prize purchased under section 55(8), if that contribution or expenditure was made by a connected organization of that separate segregated fund as authorized under section 55.

(e) An independent expenditure.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

169.205 Definitions; D, E.

Sec. 5. (1) "Domestic dependent sovereign" means an Indian tribe that has been acknowledged, recognized, restored, or reaffirmed as an Indian tribe by the secretary of the interior pursuant to 25 USC 5101 to 5144, commonly referred to as the Indian reorganization act, or has otherwise been acknowledged by the

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United States government as an Indian tribe.

(2) "Election" means a primary, general, special, or millage election held in this state or a convention or caucus of a political party held in this state to nominate a candidate. Election includes a recall vote.

(3) "Election cycle" means 1 of the following:

(a) For a general election, the period beginning the day following the last general election in which the office appeared on the ballot and ending on the day of the general election in which the office next appears on the ballot.

(b) For a special election, the period beginning the day a special general election is called or the date the office becomes vacant, whichever is earlier, and ending on the day of the special general election.

(4) "Elective office" means a public office filled by an election. An individual who is appointed to fill a vacancy in a public office that is ordinarily elective holds an elective office. Elective office does not include the office of precinct delegate. Except for the purposes of sections 47, 54, and 55, elective office does not include a school board member in a school district that has a pupil membership of 2,400 or less enrolled on the most recent pupil membership count day. However, elective office includes a school board member in a school district that has a pupil membership of 2,400 or less, if a candidate committee of a candidate for the office of school board member in that school district receives an amount in excess of $1,000.00 or expends an amount in excess of $1,000.00. Elective office does not include a federal office except for the purposes of section 57.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1992, Act 7, Imd. Eff. Mar. 10, 1992;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.206 "Expenditure" defined.

Sec. 6. (1) "Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party. Expenditure includes, but is not limited to, any of the following:

(a) A contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party.

(b) Except as provided in subsection (2)(f) or (g), an expenditure for voter registration or get-out-the-vote activities made by a person who sponsors or finances the activity or who is identified by name with the activity.

(c) Except as provided in subsection (2)(f) or (g), an expenditure made for poll watchers, challengers, distribution of election day literature, canvassing of voters to get out the vote, or transporting voters to the polls.

(d) Except as provided in subsection (2)(c), the cost of establishing and administering a payroll deduction plan to collect and deliver a contribution to a committee.

(2) Expenditure does not include any of the following:

(a) An expenditure for communication by a person with the person's paid members or shareholders and those individuals who can be solicited for contributions to a separate segregated fund under section 55.

(b) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear inference.

(c) An expenditure for the establishment or administration of, or solicitation, collection, or transfer of contributions to, a separate segregated fund, or for mailing or shipping of an item or prize purchased under section 55(8), if that expenditure was made by a connected organization of that separate segregated fund as authorized under section 55.

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for a news story, commentary, or editorial in support of or opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting.

(e) An offer or tender of an expenditure if expressly and unconditionally rejected or returned.

(f) An expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities made by an organization that is exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501, or any successor statute.

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(g) An expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities performed under chapter XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to 168.523a, by the secretary of state and other registration officials who are identified by name with the activity.

(h) An expenditure by a state central committee of a political party or a person controlled by a state central committee of a political party for the construction, purchase, or renovation of 1 or more office facilities in Ingham County if the facility is not constructed, purchased, or renovated for the purpose of influencing the election of a candidate in a particular election. Items excluded from the definition of expenditure under this subdivision include expenditures approved in Federal Election Commission advisory opinions 1993-9, 2001-1, and 2001-12 as allowable expenditures under the federal election campaign act of 1971, 52 USC 30101 to 30146, and regulations promulgated under that act, regardless of whether those advisory opinions have been superseded.

(i) Except only for the purposes of section 57, an expenditure to or for a federal candidate or a federal committee.

(j) Except only for the purposes of section 47, an expenditure for a communication if the communication does not in express terms advocate the election or defeat of a clearly identified candidate so as to restrict the application of this act to communications containing express words of advocacy of election or defeat, such as "vote for", "elect", "support", "cast your ballot for", "Smith for governor", "vote against", "defeat", or "reject".

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 2003, Act 69, Imd. Eff. July 22, 2003;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2018, Act 607, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

169.207 Definitions; F to H.

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

(2) "Filer" means a person required to file a statement or report under this act.

(3) "Filing official" means the official designated under this act to receive required statements and reports.

(4) "Fund raising event" means an event such as a dinner, reception, testimonial, rally, auction, or similar affair through which contributions are solicited or received by purchase of a ticket, payment of an attendance fee, making a donation, or purchase of goods or services.

(5) "Gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given in exchange.

(6) "Honorarium" means a payment of money to a person holding elective office as consideration for an appearance, a speech, an article, or any activity related to or associated with the performance of duties as an elected official. An honorarium does not include any of the following:

(a) Reimbursement for the cost of transportation, accommodations, or meals for the person.

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

(c) An award.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1994, Act 385, Eff. Jan. 1, 1995;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

169.208 Definitions; H, I.

Sec. 8. (1) "House political party caucus committee" means an independent committee established by a political party caucus of the state house of representatives under section 24a.

(2) "Immediate family" means any child residing in a candidate's household, the candidate's spouse, or any individual claimed by that candidate or that candidate's spouse as a dependent for federal income tax purposes.

(3) "Independent committee" means a committee, other than a political party committee, that before contributing to a candidate committee of a candidate for elective office under section 52(2) or 69(2) files a

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statement of organization as an independent committee at least 6 months before an election for which it expects to accept contributions or make expenditures in support of or in opposition to a candidate for nomination to or election to an elective office; and receives contributions from at least 25 persons and makes expenditures not to exceed the limitations of section 52(1) in support of or in opposition to 3 or more candidates for nomination to or election to an elective office in the same calendar year.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.209 Definitions; I to L.

Sec. 9. (1) "Incidental expense" means an expenditure that is an ordinary and necessary expense, paid or incurred in carrying out the business of an elective office. Incidental expense includes, but is not limited to, any of the following:

(a) A disbursement necessary to assist, serve, or communicate with a constituent.

(b) A disbursement for equipment, furnishings, or supplies for the office of the public official.

(c) A disbursement for a district office if the district office is not used for campaign-related activity.

(d) A disbursement for the public official or his or her staff, or both, to attend a conference, meeting, reception, or other similar event.

(e) A disbursement to maintain a publicly owned residence or a temporary residence at the seat of government.

(f) An unreimbursed disbursement for travel, lodging, meals, or other expenses incurred by the public official, a member of the public official's immediate family, or a member of the public official's staff in carrying out the business of the elective office.

(g) A donation to a tax-exempt charitable organization, including, but not limited to, the purchase of tickets to charitable or civic events, as long as the candidate is not an officer or director of or does not receive compensation, either directly or indirectly, from that organization.

(h) A disbursement to a ballot question committee.

(i) A purchase of tickets for use by that public official and members of his or her immediate family and staff to a fund-raising event sponsored by a candidate committee, independent committee, political party committee, or a political committee that does not exceed $100.00 per committee in any calendar year.

(j) A disbursement for an educational course or seminar that maintains or improves skills employed by the public official in carrying out the business of the elective office.

(k) A purchase of advertisements in testimonials, program books, souvenir books, or other publications if the advertisement does not support or oppose the nomination or election of a candidate.

(*l*) A disbursement for consultation, research, polling, and photographic services not related to a campaign.

(m) A fee paid to a fraternal, veteran, or other service organization.

(n) A payment of a tax liability incurred as a result of authorized transactions by the candidate committee of the public official.

(o) A fee for accounting, professional, or administrative services for the candidate committee of the public official.

(p) A debt or obligation incurred by the candidate committee of a public official for a disbursement authorized by subdivisions (a) to (o), if the debt or obligation was reported in the candidate committee report filed for the year in which the debt or obligation arose.

(2) "Independent expenditure" means an expenditure by a person if the expenditure is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a ballot question committee or a candidate, a candidate committee or its agents, or a political party committee or its agents, and if the expenditure is not a contribution to a committee.

(3) "Independent expenditure committee" means a committee formed under section 24b for the purpose of making independent expenditures under this act.

(4) "In-kind contribution or expenditure" means a contribution or expenditure other than money.

(5) "Loan" means a transfer of money, property, or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

(6) "Local ballot question" means a ballot question of a local unit of government to be voted upon in that local unit of government.

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(7) "Local elective office" means an elective office at the local unit of government level. Local elective office also includes judge of the court of appeals, judge of the circuit court, judge of the district court, judge of the probate court, and judge of a municipal court.

(8) "Local unit of government" means a district, authority, county, city, village, township, board, school district, intermediate school district, or community college district.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2012, Act 275, Eff. Jan. 1, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.210 Definitions; M to N.

Sec. 10. (1) "Major political party" means a political party qualified to have its name listed on the general election ballot whose candidate for governor received 25% or more of the popular vote cast in the preceding gubernatorial election. If only 1 political party received 25% or more of the popular vote cast for governor in the preceding gubernatorial election, then the political party with the second highest vote is considered a major political party.

(2) "Mass mailing" means mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(3) "Minor political party" means a political party qualified to have its name listed on the general election ballot but that does not qualify as a major political party.

(4) "Nominee" means an individual nominated to be a candidate.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

169.211 Definitions; P.

Sec. 11. (1) "Payroll deduction plan" means any system in which an employer deducts any amount of money from the wages, earnings, or compensation of an employee.

(2) "Person" means a business, individual, proprietorship, limited liability company, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly.

(3) "Political committee" means a committee that is not a candidate committee, political party committee, house or senate political party caucus committee, independent committee, independent expenditure committee, or ballot question committee.

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

(5) "Political party" means a political party that has a right under law to have the names of its candidates listed on the ballot in a general election.

(6) "Political party committee" means a state central, district, or county committee of a political party or a party attempting to qualify as a new political party under section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, that is a committee. Each state central committee shall designate the official party county and district committees. There must not be more than 1 officially designated political party committee per county and per congressional district.

(7) "Public body" means 1 or more of the following:

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

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

(c) A county, city, township, village, intercounty, intercity, or regional governing body; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.

(d) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, if the body exercises governmental or proprietary authority or performs a governmental or proprietary function.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1977, Act 314, Imd. Eff. Jan. 4, 1978;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

Compiler's note: Section 2 of Act 264 of 1995 provides:

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"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

169.212 Definitions; Q to S.

Sec. 12. (1) "Qualifying contribution" means a contribution of money made by a written instrument, credit card, or debit card by an individual to the candidate committee of a candidate for the office of governor that is $100.00 or less and made after April 1 of the year preceding a year in which a governor is to be elected. Not more than $100.00 of an individual's total aggregate contribution may be used as a qualifying contribution in a calendar year. Qualifying contribution does not include a subscription, loan, advance, deposit of money, in-kind contribution or expenditure, or anything else of value except as prescribed in this act. Qualifying contribution does not include a contribution by an individual who resides outside of this state. For purposes of this subsection, an individual is considered to reside in this state if he or she is considered a resident of this state under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) "Senate political party caucus committee" means an independent committee established by a political party caucus of the state senate under section 24a.

(3) "State elective office" means a statewide elective office or the office of state legislator.

(4) "Statewide elective office" means the office of governor, lieutenant governor, secretary of state, or attorney general, justice of the supreme court, member of the state board of education, regent of the University of Michigan, member of the board of trustees of Michigan State University, or member of the board of governors of Wayne State University.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1993, Act 262, Eff. Jan. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.215 Duties of secretary of state; declaratory ruling and interpretive statement; filing, contents, and form of complaint; investigations; referral of matter to attorney general; posting of complaint, response, or rebuttal statement on website; informal methods of conference, conciliation, or persuasion; conciliation agreement as bar to further action; enforcement of criminal penalty; hearing; order; judicial review; civil fine and other sanctions; waiver of campaign statement filing; duties of county clerk.

Sec. 15. (1) The secretary of state shall do all of the following:

(a) Make available through his or her offices, and furnish to county clerks, appropriate forms, instructions, and manuals required by this act.

(b) Develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with this act, and supervise the implementation of the filing systems by the clerks of the counties.

(c) Receive all statements and reports required by this act to be filed with the secretary of state.

(d) Prepare forms, instructions, and manuals required under this act.

(e) Promulgate rules and issue declaratory rulings to implement this act in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(f) Upon receipt of a written request and the required filing, waive payment of a late filing fee if the request for the waiver is based on good cause and accompanied by adequate documentation. One or more of the following reasons constitute good cause for a late filing fee waiver:

(*i*) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons.

(*ii*) Other unique, unintentional factors beyond the filer's control not stemming from a negligent act or nonaction so that a reasonably prudent person would excuse the filing on a temporary basis. These factors include the loss or unavailability of records due to a fire, flood, theft, or similar reason and difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving

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transportation systems.

(2) A declaratory ruling shall be issued under this section only if the person requesting the ruling has provided a reasonably complete statement of facts necessary for the ruling or if the person requesting the ruling has, with the permission of the secretary of state, supplied supplemental facts necessary for the ruling. A request for a declaratory ruling that is submitted to the secretary of state shall be made available for public inspection within 48 hours after its receipt. An interested person may submit written comments regarding the request to the secretary of state within 10 business days after the date the request is made available to the public. Within 45 business days after receiving a declaratory ruling request, the secretary of state shall make a proposed response available to the public. An interested person may submit written comments regarding the proposed response to the secretary of state within 5 business days after the date the proposal is made available to the public. Except as otherwise provided in this section, the secretary of state shall issue a declaratory ruling within 60 business days after a request for a declaratory ruling is received. If the secretary of state refuses to issue a declaratory ruling, the secretary of state shall notify the person making the request of the reasons for the refusal and shall issue an interpretative statement providing an informational response to the question presented within the same time limitation applicable to a declaratory ruling. A declaratory ruling or interpretative statement issued under this section shall not state a general rule of law, other than that which is stated in this act, until the general rule of law is promulgated by the secretary of state as a rule under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

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

(4) The secretary of state shall make available to the public an annual summary of the declaratory rulings and interpretative statements issued by the secretary of state.

(5) A person may file with the secretary of state a complaint that alleges a violation of this act. Within 5 business days after a complaint that meets the requirements of subsection (6) is filed, the secretary of state shall give notice to the person against whom the complaint is filed. The notice shall include a copy of the complaint. Within 15 business days after this notice is mailed, the person against whom the complaint was filed may submit a response to the secretary of state. The secretary of state may extend the period for submitting a response an additional 15 business days for good cause. The secretary of state shall provide a copy of a response received to the complainant. Within 10 business days after the response is mailed, the complainant may submit a rebuttal statement to the secretary of state. The secretary of state may extend the period for submitting a rebuttal statement an additional 10 business days for good cause. The secretary of state shall provide a copy of the rebuttal statement to the person against whom the complaint was filed.

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

(a) Be signed by the complainant.

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

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

(7) The secretary of state shall develop a form that satisfies the requirements of subsection (6) and may be used for the filing of complaints.

(8) A person who files a complaint with a false certificate under subsection (6)(c) is responsible for a civil violation of this act. A person may file a complaint under subsection (5) alleging that another person has filed a complaint with a false certificate under subsection (6)(c).

(9) The secretary of state shall investigate the allegations under the rules promulgated under this act. If the violation involves the secretary of state, the immediate family of the secretary of state, or a campaign or committee with which the secretary of state is connected, directly or indirectly, the secretary of state shall refer the matter to the attorney general to determine whether a violation of this act has occurred.

(10) No later than 45 business days after receipt of a rebuttal statement submitted under subsection (5), or if no response or rebuttal is received under subsection (5), the secretary of state shall post on the secretary of state's Internet website whether or not there may be reason to believe that a violation of this act has occurred. When the secretary of state determines whether there may be reason to believe that a violation of this act occurred or did not occur or determines to terminate its proceedings, the secretary of state shall, within 30

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days of that determination, post on the secretary of state's Internet website any complaint, response, or rebuttal statement received under subsection (5) regarding that violation or alleged violation and any correspondence that is dispositive of that violation or alleged violation between the secretary of state and the complainant or the person against whom the complaint was filed. If the secretary of state determines that there may be reason to believe that a violation of this act occurred, the secretary of state shall endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the person involved. Unless violated, a conciliation agreement is a complete bar to any further civil or criminal action with respect to matters covered in the conciliation agreement. The secretary of state shall, within 30 days after a conciliation agreement is signed, post that agreement on the secretary of state's Internet website. If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

(a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.

(b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.

(11) The secretary of state may commence a hearing to determine whether a civil violation of this act has occurred. The hearing shall be conducted in accordance with the procedures set forth in chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the secretary of state determines that a violation of this act has occurred, the secretary of state may issue an order requiring the person to pay a civil fine not more than triple the amount of the improper contribution or expenditure plus not more than $1,000.00 for each violation.

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

(13) When a report or statement is filed under this act, the secretary of state shall review the report or statement and may investigate an apparent violation of this act under the rules promulgated under this act. If the secretary of state determines that there may be reason to believe a violation of this act has occurred and the procedures prescribed in subsection (10) have been complied with, the secretary of state may refer the matter to the attorney general for the enforcement of a criminal penalty provided by this act, or commence a hearing under subsection (11) to determine whether a civil violation of this act has occurred.

(14) No later than 60 business days after a matter is referred to the attorney general for enforcement of a criminal penalty, the attorney general shall determine whether to proceed with enforcement of that penalty.

(15) Unless otherwise specified in this act, a person who violates a provision of this act is subject to a civil fine of not more than $1,000.00 for each violation. A civil fine is in addition to, but not limited by, a criminal penalty prescribed by this act.

(16) In addition to any other sanction provided for by this act, the secretary of state may require a person who files a complaint with a false certificate under subsection (6)(c) to do either or both of the following:

(a) Pay to the secretary of state some or all of the expenses incurred by the secretary of state as a direct result of the filing of the complaint.

(b) Pay to the person against whom the complaint was filed some or all of the expenses, including, but not limited to, reasonable attorney fees incurred by that person in proceedings under this act as a direct result of the filing of the complaint.

(17) Except as otherwise provided in section 57, there is no private right of action, either in law or in equity, under this act. Except as otherwise provided in section 57, the remedies provided in this act are the exclusive means by which this act may be enforced and by which any harm resulting from a violation of this act may be redressed. The criminal penalties provided by this act may only be enforced by the attorney general and only upon referral by the secretary of state as provided under subsection (10) or (13).

(18) The secretary of state may waive the filing of a campaign statement required under section 33, 34, or 35 if the closing date of the particular campaign statement falls on the same or a later date as the closing date of the next campaign statement filed by the same person, or if the period that would be otherwise covered by the next campaign statement filed by the same person is 10 days or less.

(19) The clerk of each county shall do all of the following:

(a) Make available through the county clerk's office the appropriate forms, instructions, and manuals required by this act.

(b) Under the supervision of the secretary of state, implement the filing, coding, and cross-indexing system prescribed for the filing of reports and statements required to be filed with the county clerk's office.

(c) Receive all statements and reports required by this act to be filed with the county clerk's office.

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(d) Upon written request, waive the payment of a late filing fee if the request for a waiver is based on good cause as prescribed in subsection (1)(f).

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1980, Act 465, Imd. Eff. Jan. 17, 1981;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2000, Act 201, Eff. Mar. 28, 2001;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

Administrative rules: R 169.1 et seq. of the Michigan Administrative Code.

169.216 Statement or report; public inspection; reproduction; copy; prohibited use; preservation; disposal; late filing fee; compliance; notice; corrections; report of errors or omissions; deadline for filing.

Sec. 16. (1) A filing official shall make a statement or report required to be filed under this act available for public inspection and reproduction, as soon as practicable, but not later than the third business day following the day on which it is received, during regular business hours of the filing official. If the report is a report of a late contribution under section 32(1) made to the secretary of state, the secretary of state shall also make the report or all of the contents of the report available to the public on the internet, without charge, as soon as practicable but not later than the end of the business day on which it is received, at a single website established and maintained by the secretary of state.

(2) A copy of a statement or part of a statement shall be provided by a filing official at a reasonable charge.

(3) A statement open to the public under this act shall not be used for any commercial purpose.

(4) Except as otherwise provided in this subsection, a statement of organization filed under this act with a filing official who is not the secretary of state shall be preserved by that filing official for 5 years from the official date of the committee's dissolution. A statement of organization filed under this act with a filing official who is not the secretary of state that is filed by a committee that received more than $50,000.00 in an election cycle shall be preserved by that filing official for 15 years from the official date of the committee's dissolution. A statement of organization filed under this act with the secretary of state shall be preserved by the secretary of state for 15 years from the official date of the committee's dissolution. Except as otherwise provided in this subsection, any other statement or report filed under this act with a filing official who is not the secretary of state shall be preserved by that filing official for 5 years from the date the filing occurred. Any other statement or report filed under this act with a filing official who is not the secretary of state that is filed by a committee that received more than $50,000.00 in an election cycle shall be preserved by that filing official for 15 years from the date the filing occurred. Any other statement or report filed under this act with the secretary of state shall be preserved by the secretary of state for 15 years from the date the filing occurred. Upon a determination under section 15 that a violation of this act has occurred, all complaints, orders, decisions, or other documents related to that violation shall be preserved by the filing official who is not the secretary of state or the secretary of state for 15 years from the date of the court determination or the date the violations are corrected, whichever is later. Statements and reports filed under this act may be reproduced pursuant to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After the required preservation period, the statements and reports, or the reproductions of the statements and reports, may be disposed of in the manner prescribed in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811.

(5) A filing official shall not collect a charge for the filing of a required statement or report or for a form upon which the statement or report is to be prepared, except a late filing fee required by this act.

(6) A filing official shall determine whether a statement or report filed under this act complies, on its face, with the requirements of this act and the rules promulgated under this act. The filing official shall determine whether a statement or report that is required to be filed under this act is in fact filed. Within 4 business days after the deadline for filing a statement or report under this act, the filing official shall give notice to the filer by registered mail of an error or omission in the statement or report and give notice to a person the filing official has reason to believe is a person required to and who failed to file a statement or report. A failure to give notice by the filing official under this subsection is not a defense to a criminal action against the person required to file.

(7) Within 9 business days after the report or statement is required to be filed, the filer shall make any corrections in the statement or report filed with the appropriate filing official. If the report or statement was

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not filed, then the report or statement shall be late filed within 9 business days after the time it was required to be filed and shall be subject to late filing fees.

(8) After 9 business days and before 12 business days have expired after the deadline for filing the statement or report, the filing official shall report errors or omissions that were not corrected and failures to file to the attorney general.

(9) A statement or report required to be filed under this act shall be filed not later than 5 p.m. of the day in which it is required to be filed. A preelection statement or report due on July 25 or October 25 under section 33 that is postmarked by registered or certified mail, or sent by express mail or other overnight delivery service, at least 2 days before the deadline for filing is filed within the prescribed time regardless of when it is actually delivered. Any other statement or report required to be filed under this act that is postmarked by registered or certified mail or sent by express mail or other overnight delivery service on or before the deadline for filing is filed within the prescribed time regardless of when it is actually delivered.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1992, Act 188, Imd. Eff. Oct. 5, 1992;—1999, Act 236, Eff. Mar. 10, 2000;—Am. 2000, Act 50, Imd. Eff. Mar. 29, 2000;—Am. 2017, Act 184, Eff. Feb. 19, 2018.

Administrative rules: R 169.1 et seq. of the Michigan Administrative Code.

169.217 Payment of late filing fee; disposition of late filing fees and copying charges; unpaid filing fee; exceptions.

Sec. 17. (1) A person paying a late filing fee as a result of that person's failure to file a statement or report shall pay that fee to the filing official with whom the statement or report was required to be filed.

(2) The late filing fees collected under sections 24, 33, 34, 35, and 51, and copying charges collected under section 16, must be retained by and for the use of the filing officials collecting the fees or charges to cover their expenses in administering this act. A late filing fee assessed by a county clerk that remains unpaid for more than 60 days is considered a debt of the county, and the county treasurer shall collect that fee in the same manner as other county debts are collected. A late filing fee assessed by the secretary of state that remains unpaid for more than 180 days must be referred to the department of treasury for collection.

(3) A committee, other than a candidate committee or a committee making expenditures in assistance of or in opposition to the qualification, passage, or defeat of a ballot question, required to file with the secretary of state is not required to pay a late filing fee under sections 24, 33, 34, and 35, if all of the following conditions are met:

(a) A committee required to register as a committee fails to file a statement of organization.

(b) The secretary of state sends to that committee notice of the committee's failure to file a statement of organization.

(c) At the same time or after the notice described in subdivision (b) is sent, the secretary of state sends to that committee notice of the committee's failure to file a campaign statement that was due for a period that occurred before the notice of failure to file a statement of organization was sent.

(d) Within 10 business days after the notice of failure to file a statement of organization is sent, the committee files a statement of organization.

(e) Within 10 business days after the notice of failure to file a campaign statement is sent, the committee files every campaign statement that is due.

(4) Late filing fees that would have occurred except for subsection (3) must be assessed for each statement not filed before the eleventh business day after a notice of failure to file is sent under subsection (3).

(5) A committee other than a candidate committee that has not previously filed a statement of organization is not required to pay a late filing fee under sections 24, 33, 34, and 35, if the committee files a statement of organization and every campaign statement that is due, before the secretary of state sends a notice to that committee under subsection (3).

History: Add. 1977, Act 313, Imd. Eff. Jan. 4, 1978;—Am. 1978, Act 172, Imd. Eff. May 27, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

169.218 Electronic filing and internet disclosure system.

Sec. 18. (1) The secretary of state shall develop and implement an electronic filing and internet disclosure system that permits committees that are required to file statements or reports under this act with the secretary of state to file those statements or reports electronically and that provides internet disclosure of electronically filed statements or reports on a website.

(2) The secretary of state shall offer each committee required to file with the secretary of state the option of filing campaign statements or reports electronically, as described in subsection (1).

(3) Beginning with the annual campaign statement due January 31, 2014, each committee required to file with the secretary of state that received or expended $5,000.00 or more in the preceding calendar year or

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expects to receive or expend $5,000.00 or more in the current calendar year shall electronically file all statements and reports required under this act, as described in subsection (1).

(4) If a committee was not required to file a campaign statement under subsection (3) only because it did not meet the applicable threshold of receiving or expending $5,000.00 or more, but the committee later reaches that threshold, the committee shall notify the secretary of state within 10 business days after reaching that threshold and shall subsequently file electronically all statements and reports required under this act.

(5) The secretary of state shall permit a committee to electronically file statements and reports required under this act, as described in subsection (1), except an original statement of organization, after the committee treasurer and, for a candidate committee, the candidate has signed and filed a form designed by the secretary of state to serve as the signature verifying the accuracy and completeness of each statement or report filed electronically.

History: Add. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2006, Act 89, Imd. Eff. Apr. 3, 2006;—Am. 2013, Act 258, Imd. Eff. Dec. 27, 2013.

Compiler's note: Sec. 18, as added by Act 238 of 1999, was originally compiled as Sec. 18[1] to distinguish the section from another Sec. 18 deriving from Act 237 of 1999.

Former MCL 169.218, deriving from Act 237 of 1999, and which pertained to electronic disclosure system, was repealed by Act 207 of 2000, Imd. Eff. June 27, 2000.

169.218a Electronic filing and internet disclosure system; adoption by county clerk.

Sec. 18a. (1) A county clerk may adopt an electronic filing and internet disclosure system developed or approved by the secretary of state that permits committees that are required to file statements or reports under this act with the county clerk to file those statements or reports electronically and that provides internet disclosure of electronically filed statements or reports on a website. If the secretary of state develops an internet disclosure system, the secretary of state shall not charge a county clerk for the software for that system.

(2) A county clerk who adopts a system under subsection (1) may require each committee that received or expended the threshold amount set by the county clerk as provided in this subsection in the preceding calendar year or expects to receive or expend the threshold amount set by the county clerk in the current calendar year to file campaign statements or reports electronically. A county clerk shall set the threshold under this subsection at $5,000.00 or $1,500.00.

(3) A county clerk who adopts a system under subsection (1) shall permit a committee to electronically file statements and reports required under this act, as described in subsection (1), except an original statement of organization, after the committee treasurer and, for a candidate committee, the candidate has signed and filed a form designed by the secretary of state to serve as the signature verifying the accuracy and completeness of each statement or report filed electronically.

(4) If a committee was not required to file a campaign statement under subsection (2) only because it did not meet the applicable threshold, but the committee later reaches that threshold, the committee shall notify the county clerk within 10 business days after reaching that threshold and shall subsequently file electronically all statements and reports required under this act.

History: Add. 2013, Act 259, Imd. Eff. Dec. 27, 2013.

169.220 Individual not considered candidate; individual receiving votes by write-in method as candidate.

Sec. 20. (1) An individual is not considered a candidate if the individual has done any of the following:

(a) Filed a fee, affidavit of incumbency, or nominating petition for an elective office, if the individual withdraws within the time limit established by law, and if the individual has not received a contribution, made an expenditure, or given consent for another person to receive a contribution or make an expenditure to secure the individual's nomination or election to an elective office. For purposes of this subdivision, a payment of a filing fee for elective office is not considered an expenditure.

(b) Has been nominated as a candidate for elective office by a political party caucus or convention, if the individual nominated withdraws within the time limit established by law or does not submit the notice of acceptance of nomination according to the procedures established by law, and if the individual has not received a contribution, made an expenditure, or given consent for another person to receive a contribution or make an expenditure to secure the individual's nomination or election to an elective office.

(c) Has been nominated as a candidate for elective office by a political party caucus or convention, if the party does not qualify to have its name and candidates' names appear on the general election ballot under section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, and if the individual has not received a contribution or made an expenditure to secure the individual's nomination or election to an elective office.

(d) Has been appointed to fill a vacancy in an elective office if the individual does not meet 1 of the criteria

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of section 3(1).

(2) An individual who receives votes at an election solely by the write-in method as provided by law is considered a candidate under this act as follows:

(a) An individual who receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's receiving write-in votes at an election is a candidate under this act at the time of receiving the contribution or making the expenditure or giving consent to another person to receive the contribution or make the expenditure.

(b) An individual who is not a candidate by reason of subdivision (a), but who is certified as a nominee as a result of write-in votes received at a primary election and does not withdraw as a nominee as provided by law is a candidate under this act as of 5 days following the certification of the nomination by the board of canvassers canvassing the primary.

(c) An individual who is not a candidate by reason of subdivision (a) or (b), but who is elected to an office by receiving write-in votes in an election is a candidate under this act at the time the individual qualifies for the office.

History: Add. 1980, Act 377, Imd. Eff. Dec. 30, 1980;—Am. 1982, Act 167, Imd. Eff. May 31, 1982;—Am. 2017, Act 114, Eff. Oct. 25, 2017.

169.221 Candidate committee or committee other than candidate committee; treasurer; service of process; official depository for contributions; secondary depositories; requirements for accepting contributions or making expenditures; vacancy in office of treasurer; authorizing expenditure; contributions or expenditures considered received or made by candidate committee; reporting contributions; commingling prohibited; violation; penalty.

Sec. 21. (1) A candidate, within 10 days after becoming a candidate, shall form a candidate committee. An individual who is a candidate for more than 1 office shall form a candidate committee for each office for which the individual is a candidate, if at least 1 of the offices is a state elective office. A candidate shall not form more than 1 candidate committee for each office for which the individual is a candidate.

(2) A candidate committee must have a treasurer who is a qualified elector of this state. A candidate may appoint himself or herself as the candidate committee treasurer.

(3) A committee other than a candidate committee must have a treasurer who is a qualified elector of this state if the committee conducts business through an office or other facility located in this state.

(4) If a committee is not required to have as its treasurer an individual who is a qualified elector of this state, the committee may have as its treasurer an individual who is a resident of another state. A committee with a nonresident treasurer shall file, with its statement of organization, an irrevocable written stipulation, signed by the treasurer, agreeing that legal process affecting the committee, served on the secretary of state or an agent designated by the secretary of state, has the same effect as if personally served on the committee. This appointment remains in force as long as any liability of the committee remains outstanding within this state.

(5) If the secretary of state or designated agent of the secretary of state is served with legal process under subsection (4), the secretary of state shall promptly notify the committee's treasurer by certified mail at the last known address of the committee shown on the committee's statement of organization.

(6) Except as provided by law, a candidate committee or a committee described in subsection (3) shall have 1 account in a financial institution in this state as an official depository to deposit all contributions received by the committee in the form of or which are converted to money, checks, or other negotiable instruments and to make all expenditures. The committee shall designate that financial institution as its official depository. The establishment of an account in a financial institution is not required until the committee receives a contribution or makes an expenditure. Candidate committees shall only use secondary depositories to deposit contributions and promptly transfer the deposits to the committee's official depository, or to deposit the proceeds of a joint fund-raiser under section 44(4) and transfer each committee's share of any receipts from the joint fund-raiser. A committee described in subsection (3) shall only use secondary depositories for any of the following:

(a) To deposit contributions and promptly transfer the deposits to the committee's official depository.

(b) To deposit the proceeds of a joint fund-raiser under section 44(4) and transfer each committee's share of any receipts from the joint fund-raiser.

(c) To deposit, divide, and transfer contributions that are aggregated with dues or other payments.

(7) Except as provided by law, a committee described in subsection (4) shall have 1 account in a financial institution as its official depository to deposit all contributions received by the committee in the form of or which are converted to money, checks, or other negotiable instruments and to make all expenditures. The

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committee shall designate that financial institution as its official depository. The establishment of an account in a financial institution is not required until the committee receives a contribution or makes an expenditure. A committee described in subsection (4) shall only use secondary depositories for any of the following:

(a) To deposit contributions and promptly transfer the deposits to the committee's official depository.

(b) To deposit the proceeds of a joint fund-raiser under section 44(4) and transfer each committee's share of any receipts from the joint fund-raiser.

(c) To deposit, divide, and transfer contributions that are aggregated with dues or other payments.

(8) A committee shall not accept a contribution or make an expenditure if that committee does not have a treasurer. When the office of treasurer in a candidate committee is vacant, the candidate is the treasurer until the candidate appoints a new treasurer.

(9) A committee shall not make an expenditure without the authorization of the treasurer or the treasurer's designee. The contributions received or expenditures made by a candidate or an agent of a candidate are considered received or made by the candidate committee.

(10) Contributions received by an individual acting in behalf of a committee must be reported promptly to the committee's treasurer not later than 5 days before the closing date of any campaign statement required to be filed by the committee, and must be reported to the committee treasurer immediately if the contribution is received less than 5 days before the closing date.

(11) A contribution is considered received by a committee when it is received by the committee treasurer or a designated agent of the committee treasurer although the contribution may not be deposited in the official depository by the reporting deadline.

(12) Contributions received by a committee must not be commingled with other funds of an agent of the committee or of any other person. Contributions are not considered to be commingled if that contribution is either of the following:

(a) A contribution received by a person for transmission to a separate segregated fund as described in section 55(7).

(b) A contribution made by 1 or more persons through a person if all of the following are met:

(*i*) The individual contribution or aggregated contribution is accompanied by or logically associated with all information required under section 26 for each individual contributor.

(*ii*) The person making the contribution is the original source of the contribution.

(*iii*) The contribution is not obtained through use of coercion or physical force, as a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals.

(*iv*) Only the person making the contribution exercises any control over the making of, or the amount or recipient of, the contribution.

(*v*) The contribution is not otherwise prohibited by this act.

(13) A person that violates this section is subject to a civil fine of not more than $1,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 312, Imd. Eff. Jan. 4, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989 ;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.221a Expenditure for incidental expense by candidate committee; legal costs; violation as misdemeanor; penalty.

Sec. 21a. (1) A candidate committee of a candidate who is elected or appointed to an elective office may make an expenditure for an incidental expense for the elective office to which that candidate was elected or appointed. Except as otherwise specifically provided in this act, an expenditure for an incidental expense by a candidate committee under this section is an expenditure under this act.

(2) A candidate committee of a candidate who is elected or appointed to an elective office shall not make an expenditure to defend the elected or appointed official in a civil or criminal action or to pay legal costs unless the action or legal costs do any of the following:

(a) Relate to a recall election.

(b) Relate to a recount of votes as provided in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(c) Relate to compliance with this act or the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(d) Tangibly benefit the nomination or election of a candidate.

(3) Any legal costs not authorized under subsection (2) shall be paid from a legal defense fund as provided in the legal defense fund act, 2008 PA 288, MCL 15.521 to 15.539.

(4) In addition to any other requirements of this act, a campaign statement of a candidate committee shall contain the purpose of any expenditure for legal costs made by that committee as described in subsection (2).

(5) An individual who violates subsection (2) is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both.

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History: Add. 1994, Act 411, Imd. Eff. Dec. 29, 1994;—Am. 2012, Act 275, Eff. Jan. 1, 2013.

169.222 Duties of committee treasurer or other designated individual; preservation and inspection of committee records; violation; civil fine.

Sec. 22. A committee treasurer or other individual designated on the statement of organization as responsible for the committee's record keeping, report preparation, or report filing shall keep detailed accounts, records, bills, and receipts as required to substantiate the information contained in a statement or report filed pursuant to this act or rules promulgated under this act. The treasurer shall record the name and address of a person from whom a contribution is received. The records of a committee shall be preserved for 5 years and shall be made available for inspection as authorized by the secretary of state. A treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who knowingly violates this section is subject to a civil fine of not more than $1,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1999, Act 237, Eff. Mar. 10, 2000.

Administrative rules: R 169.1 et seq. of the Michigan Administrative Code.

169.223 Rules for withdrawal of funds; limitation on single expenditure from petty cash fund; violation; civil fine.

Sec. 23. Subject to section 15, the secretary of state shall promulgate rules for the withdrawal of funds from a committee account for petty cash expenditures and for keeping records of the withdrawals. A single expenditure from a petty cash fund shall not exceed $50.00. A person who violates this section is subject to a civil fine of 3 times the amount by which the expenditure exceeds $50.00, but the fine shall not exceed $1,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989.

169.224 Statement of organization; time for filing; late filing fee; violation as misdemeanor; penalty; contents of statement; name of sponsor; amendment; statement as to receipts or expenditures; filing statement indicating dissolution of committee; exception; political committee considered as independent expenditure committee.

Sec. 24. (1) A committee shall file a statement of organization with the filing officials designated in section 36 to receive the committee's campaign statements. A committee shall file a statement of organization within 10 days after the committee is formed. A filing official shall maintain a statement of organization filed by a committee until 5 years after the official date of the committee's dissolution. A person who fails to file a statement of organization required by this subsection shall pay a late filing fee of $10.00 for each business day the statement remains not filed in violation of this subsection. The late filing fee must not exceed $300.00. A person who violates this subsection by failing to file for more than 30 days after a statement of organization is required to be filed is guilty of a misdemeanor punishable by a fine of not more than $1,000.00.

(2) The statement of organization required to be filed under subsection (1) must include the following information:

(a) The name, street address, and if available, the electronic mail address and telephone number of the committee, and the electronic mail address of the candidate. If a committee is a candidate committee, the committee name must include the first and last name of the candidate. A committee address may be the home address of the candidate or treasurer of the committee.

(b) The name, street address, and if available, the electronic mail address and telephone number of the treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing.

(c) The name and address of the financial institution in which the official committee depository is or is intended to be located, and the name and address of each financial institution in which a secondary depository is or is intended to be located.

(d) The full name of the office being sought by, including district number or jurisdiction, and the county residence of each candidate supported or opposed by the committee.

(e) A brief statement identifying the substance of each ballot question supported or opposed by the committee. If the ballot question supported or opposed by the committee is a local ballot question, the committee shall identify the county in which the greatest number of registered voters eligible to vote on the ballot question reside.

(f) Identification of the committee as a candidate committee, political party committee, independent committee, independent expenditure committee, political committee, or ballot question committee if it is identifiable as such a committee.

(3) An independent committee or political committee shall include in the name of the committee the name

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of the person or persons that sponsor the committee, if any, or with whom the committee is affiliated. A person, other than an individual or a committee, sponsors or is affiliated with an independent committee or political committee if that person establishes, directs, controls, or financially supports the administration of the committee. For the purposes of this subsection, a person does not financially support the administration of a committee by merely making a contribution to the committee.

(4) If any of the information required in a statement of organization is changed, the committee shall file an amendment when the next campaign statement is required to be filed.

(5) When filing a statement of organization, a committee, other than an independent committee, a political committee, or a political party committee, may indicate in a written statement signed by the treasurer of the committee that the committee does not expect for each election to receive an amount in excess of $1,000.00 or expend an amount in excess of $1,000.00. The treasurer of a committee of an incumbent judge or supreme court justice is considered to have made the statement required under this subsection following appointment or election of that judge or justice and is not required to file a written statement under this subsection indicating that the committee does not expect for each election to receive or expend an amount in excess of $1,000.00.

(6) When filing a statement of organization, an independent committee, an independent expenditure committee, a political committee, or a political party committee may indicate in a written statement signed by the treasurer of the committee that the committee does not expect in a calendar year to receive or expend an amount in excess of $1,000.00.

(7) Upon the dissolution of a committee, the committee shall file a statement indicating dissolution with the filing officials with whom the committee's statement of organization was filed. Dissolution of a committee must be accomplished pursuant to rules promulgated by the secretary of state under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(8) A candidate committee that files a written statement under subsection (5) or that is considered to have made a statement under subsection (5) is not required to file a dissolution statement under subsection (7) if the committee failed to receive or expend an amount in excess of $1,000.00 and 1 of the following applies:

(a) The candidate was defeated in an election and has no outstanding campaign debts or assets.

(b) The candidate vacates an elective office and has no outstanding campaign debts or assets.

(9) A political committee organized for the purpose of making independent expenditures formed before December 31, 2019 is considered an independent expenditure committee. The secretary of state may amend the statement of organization for any committee affected by this subsection.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 311, Imd. Eff. Jan. 4, 1978;—Am. 1985, Act 138, Imd. Eff. Oct. 22, 1985;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2015, Act 238, Eff. Mar. 21, 2016;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Administrative rules: R 169.1 et seq. of the Michigan Administrative Code.

169.224a House political party caucus committee; senate political party caucus committee; limitation; dissolution of independent committees; exception.

Sec. 24a. (1) A political party caucus of the state house of representatives may maintain 1 house political party caucus committee. A political party caucus of the state house of representatives shall not maintain more than 1 house political party caucus committee. Not later than 30 days after the effective date of this section, the leader of each political party caucus of the state house of representatives shall establish or designate the independent committee that is the house political party caucus committee under this section. Not later than 30 days after the effective date of this section, a political party caucus of the state house of representatives shall dissolve all independent committees established by that political party caucus under this act before the effective date of this section, other than the designated house political party caucus committee under this subsection.

(2) A political party caucus of the state senate may maintain 1 senate political party caucus committee. A political party caucus of the state senate shall not maintain more than 1 senate political party caucus committee. Not later than 30 days after the effective date of this section, the leader of each political party caucus of the state senate shall establish or designate the independent committee that is the senate political party caucus committee under this section. Not later than 30 days after the effective date of this section, a political party caucus of the state senate shall dissolve all independent committees established by that political party caucus under this act before the effective date of this section, other than the designated senate political party caucus committee under this subsection.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996.

Compiler's note: Section 2 of Act 264 of 1995 provides:

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"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.224b Independent expenditure committee; creation; filing of campaign statements; contributions; violation of subsection (4) as felony; penalty.

Sec. 24b. (1) One or more persons may create an independent expenditure committee and shall file a statement of organization under section 24. An independent expenditure committee shall file campaign statements under sections 33 and 35 and as otherwise provided in this act.

(2) An independent expenditure committee may receive contributions from any person, except a person prohibited from making a contribution under 52 USC 30121. An independent expenditure committee shall return a contribution made by a person prohibited from making a contribution under this subsection within 30 business days after receiving that contribution.

(3) In addition to any independent expenditures or other disbursements not prohibited by this act or any other law, an independent expenditure committee may make contributions to another independent expenditure committee or to a ballot question committee.

(4) An independent expenditure committee shall not make a contribution to a candidate committee, independent committee, political committee, political party committee, or house or senate political party caucus committee.

(5) An individual who knowingly violates or causes a person to violate subsection (4) is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than $5,000.00, or both. A person that violates subsection (4) that is not an individual is subject to 1 of the following, whichever is greater:

(a) A fine of not more than $20,000.00.

(b) A fine of not more than triple the amount of the improper contribution or expenditure.

History: Add. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

169.224c Defeat of independent nature of independent expenditure; punishment; exception.

Sec. 24c. (1) If the independent nature of an independent expenditure is defeated, the resulting contribution is punishable as follows:

(a) For an independent expenditure committee or its agent, under section 24b(5) if the resulting contribution violates section 24b(4).

(b) For an entity described under section 54(1) or a person acting for any such entity under section 54(2), under section 54(5) if the resulting contribution violates section 54.

(c) For any other person, as otherwise provided for a violation of this act.

(2) The independent nature of an independent expenditure is not defeated under any of the following:

(a) Where a person making an independent expenditure related to a ballot question committee, candidate, candidate committee, or political party committee engages an attorney, vendor, or other agent that is also or has been engaged by that candidate or committee, if the attorney, vendor, or other agent does not do any of the following:

(*i*) For the creation, production, or distribution of a communication, convey information to the person making the communication about the campaign plans, projects, activities, or needs of that candidate or committee that he or she also provides or has provided services for and that has been obtained from that candidate or committee or its agents.

(*ii*) For the creation, production, or distribution of a communication, use any information about the campaign plans, projects, activities, or needs of that candidate or committee that he or she also provides or has provided services for and that has been obtained from that candidate or committee or its agents.

(*iii*) Convey information about the creation, production, or distribution of the communication to the candidate or committee that he or she also provides or has provided services for.

(b) Where a candidate, candidate committee, political party committee, or an agent of the candidate or any such committee, solicits contributions on behalf of an independent expenditure committee, but does not request or suggest action by, or further cooperate, consult, act in concert, or otherwise coordinate in any way with the independent expenditure committee related to any independent expenditure made on behalf of that candidate or committee. This subdivision does not preserve the independent nature of an independent expenditure if the independent expenditure committee makes independent expenditures during an election cycle related solely to 1 candidate, and that candidate, that candidate's candidate committee, or that candidate's agent solicits funds on the independent expenditure committee's behalf.

History: Add. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

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169.225 Campaign statement; filing; period covered.

Sec. 25. A committee supporting or opposing a candidate or the qualification, passage, or defeat of a ballot question shall file a legibly printed or typed campaign statement. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement filed pursuant to this act, and ending with the closing date of the campaign statement in question. If the committee filing the campaign statement has not previously filed a campaign statement, the period covered shall begin on the date on which the committee was formed.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989.

169.225a Repealed. 1999, Act 237, Eff. Mar. 10, 2000.

Compiler's note: The repealed section pertained to requirements for committee licensed and conducting event pursuant to bingo act.

169.226 Campaign statement of committee other than political party committee; contents; report; list of expenditures; bundled contribution; separate segregated fund reporting requirements.

Sec. 26. (1) A campaign statement of a committee, other than a political party committee, required by this act must contain all of the following information:

(a) The filing committee's name, address, and telephone number, and the full name, residential and business addresses, electronic mail address, and telephone numbers of the committee treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing.

(b) Under the heading "receipts", the total amount of contributions received during the period covered by the campaign statement; under the heading "expenditures", the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals. Forgiveness of a loan must not be included in the totals. Payment of a loan by a third party must be recorded and reported as an in-kind contribution by the third party. In-kind contributions or expenditures must be listed at fair market value and reported as both contributions and expenditures. A contribution or expenditure that is by other than completed and accepted payment, gift, or other transfer, that is clearly not legally enforceable, and that is expressly withdrawn or rejected and returned before a campaign statement closing date need not be included in the campaign statement and if included may, in a later or amended statement, be shown as a deduction, but the committee shall keep adequate records of each instance.

(c) The balance of cash on hand at the beginning and the end of the period covered by the campaign statement.

(d) The following information regarding each fund-raising event must be included in the report:

(*i*) The type of event, date held, address and name, if any, of the place where the activity was held, and approximate number of individuals participating or in attendance.

(*ii*) The total amount of all contributions.

(*iii*) The gross receipts of the fund-raising event.

(*iv*) The expenditures incident to the event.

(e) The full name of each individual from whom contributions are received during the period covered by the campaign statement, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual. The occupation, employer, and principal place of business must be stated if the individual's cumulative contributions are more than $100.00. For contributions of $5.00 or less by an individual to a political committee or independent committee, the secretary of state shall accept for filing any written communication from the political committee or independent committee that contains the information otherwise required under this subsection. Any written communication under this subdivision does not need to contain an original signature.

(f) The cumulative amount contributed and the name and address of each individual, except those individuals reported under subdivision (e), who contributed to the committee. The occupation, employer, and principal place of business must be stated for each individual who contributed more than $100.00.

(g) The name and street address of each person, other than an individual, from whom contributions are received during the period covered by the campaign statement, together with an itemization of the amounts contributed, the date on which each contribution was received, and the cumulative amount contributed by that person.

(h) The name, address, and amount given by an individual who contributed to the total amount contributed by a person who is other than a committee or an individual. The occupation, employer, and principal place of business must be stated if the individual contributed more than $100.00 of the total amount contributed by a

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person who is other than a committee or an individual.

(i) The cumulative total of expenditures and other disbursements totaling $50.00 or less to any person made during the period covered by the campaign statement except for expenditures made to or on behalf of another committee, candidate, or ballot question.

(j) The full name and street address of each person to whom expenditures or other disbursements totaling more than $50.00 were made, together with the amount of each separate expenditure or disbursement to each person during the period covered by the campaign statement; the purpose of the expenditure or disbursement; the full name and street address of the person providing the consideration for which any expenditure or disbursement was made if different from the payee; the itemization regardless of amount of each expenditure made to or on behalf of another committee, candidate, or ballot question; and the cumulative amount of expenditures for or against that candidate or ballot question for an election cycle. An expenditure made in support of more than 1 candidate or ballot question, or both, must be apportioned reasonably among the candidates or ballot questions, or both.

(2) A candidate committee or ballot question committee shall report all cumulative amounts required by this section on a per election cycle basis. Except as provided in subsection (1)(j), an independent committee, independent expenditure committee, or political committee shall report all cumulative amounts required by this section on a calendar year basis.

(3) A campaign statement of a committee, in addition to the other information required by this section, must include an itemized list of all expenditures during the reporting period for election day busing of electors to the polls, get-out-the-vote activities, slate cards, challengers, poll watchers, and poll workers.

(4) For a reporting period in which a contribution is received that is to be part of a bundled contribution or a reporting period in which a bundled contribution is delivered to the candidate committee of a candidate for statewide elective office, a bundling committee shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution received or delivered as part of a bundled contribution, and about each bundled contribution delivered, in the reporting period:

(a) The amount of each contribution, the date it was received by the bundling committee, and the candidate for statewide elective office whom the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding $100.00, the contributor's occupation, employer, and principal place of business.

(c) The date each contribution is delivered to the candidate's statewide elective office candidate committee.

(d) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(5) With its delivery of a bundled contribution to the candidate committee of a candidate for statewide elective office, a bundling committee shall deliver a report to that candidate committee, on a form provided by the secretary of state, that includes all of the following information, as applicable, about each contribution delivered as part of the bundled contribution, and about all bundled contributions delivered to that candidate committee in the election cycle:

(a) The amount of each contribution, the date it was received by the bundling committee, and the statewide elective office candidate the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding $100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(6) For a reporting period in which a bundled contribution is received, a candidate committee of a candidate for statewide elective office shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution delivered as part of a bundled contribution received in the reporting period and about all bundled contributions received by that candidate committee:

(a) The amount of each contribution, the date it was received by the candidate committee, and the name of the bundling committee that delivered the contribution.

(b) Each contributor's name and address and, for each contribution exceeding $100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions received by that candidate committee during the reporting period and during the election cycle.

(7) For a reporting period in which a connected organization of a separate segregated fund makes a payment for a prize or 1 or more items authorized under section 55(8), the separate segregated fund shall report all of the following, as applicable:

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(a) The amount of any payment of costs for a prize, the value of the prize, the amount raised by the prize, and the amount, if any, reimbursed to the connected organization by the separate segregated fund for the prize.

(b) The amount per item of any payment of costs for items to be sold or offered in return for a contribution as part of fundraising activities for the separate segregated fund, the amount per item that each item is offered at or offered for sale at, the value of each item, the aggregate amount paid for those items, and the amount, if any, reimbursed to the connected organization by the separate segregated fund for any items. If 1 or more of the same items are sold or offered in return for a contribution, a report by item type satisfies the reporting requirement under this subdivision.

(8) As used in subsection (7), "value" means the regular purchase price offered by the vendor from whom an item is purchased, less any customary discount offered based on the number of items purchased in the same transaction.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.228 Interest; loans; certified statement to accompany campaign statement reporting certain contributions; applicability of subsection (3).

Sec. 28. (1) Interest received by a committee on an account consisting of funds belonging to the committee shall not be considered a contribution to the committee but the committee shall report its receipt on a campaign statement as interest. A committee shall report interest paid by the committee on a campaign statement as an expenditure.

(2) A committee shall report a loan with an outstanding balance made or received in a separate schedule attached to the campaign statement providing the date and amount of the loan, the date and amount of each payment, the amount of cumulative payments, the amount of the outstanding balance, and whether the loan payments were made by money, services, property, or other means. The committee shall provide the name and address of the lender and each person who is liable directly, indirectly, or contingently on each loan. The committee shall provide the occupation and employer, if any, of the lender and each person if the loan is for more than $100.00. If a loan is paid off within a reporting period, this activity need not be reported on a separate schedule to the campaign statement. However, if a loan is forgiven, the committee shall detail that fact on a separate schedule to the campaign statement.

(3) Accompanying a campaign statement reporting the receipt of a contribution from a person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in this state, shall be a statement certified as true and correct by an officer of the contributing person setting forth the full name, address, along with the amount contributed, of each person who contributed to the total amount of the contribution. The occupation, employer, and principal place of business shall be stated for each person who contributed more than $100.00. This subsection does not apply if the contributing person is registered as a committee under section 24.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 378, Imd. Eff. July 27, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1999, Act 237, Eff. Mar. 10, 2000.

169.229 Campaign statement filed by political party committee; contents; identification of expenditure; designation of contribution to candidate committee or ballot question committee; designation of independent expenditure; apportionment of expenditure; list of expenditures.

Sec. 29. (1) A campaign statement filed by a political party committee shall contain all of the following information:

(a) The full name and street address of each person from whom contributions are received in a calendar year, the amount, and the date or dates contributed; and, if the person is a committee, the name and address of the committee and the full name of the committee treasurer, together with the amount of the contribution and the date received. The occupation, employer, and principal place of business, if any, shall be listed for each person from whom contributions totaling more than $100.00 are received in a calendar year.

(b) Accompanying a campaign statement reporting the receipt of a contribution from a committee or

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person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in this state, and whose committee has not filed a statement of organization as required in section 24, shall be a statement setting forth the full name and address of the treasurer of the committee.

(c) An itemized list of all expenditures, including in-kind contributions and expenditures and loans, made during the period covered by the campaign statement that were contributions to a candidate committee of a candidate for elective office or a ballot question committee; or independent expenditures in support of the qualification, passage, or defeat of a ballot question or in support of the nomination or election of a candidate for elective office or the defeat of any of the candidate's opponents.

(d) The total expenditure by the committee for each candidate for elective office or ballot question in whose behalf an independent expenditure was made or a contribution was given for the election cycle.

(e) The filer's name, address, and telephone number, if available, if any, and the full name, address, and telephone number, if available, of the committee treasurer.

(2) The committee shall identify an expenditure listed under subsection (1)(c) as an independent expenditure or as a contribution to a candidate committee or a ballot question committee.

(3) The committee shall designate for a contribution to or on behalf of a candidate committee or ballot question committee listed under subsection (1)(c) the name and address of the committee, the name of the candidate and the office sought, if any, the amount contributed, and the date of contribution.

(4) The committee shall designate for an independent expenditure listed under subsection (1)(c) either the name of the candidate for whose benefit the expenditure was made and the office sought by the candidate, or a brief description of the ballot question for which the expenditure was made; the amount, date, and purpose of the expenditure; and the full name and address of the person to whom the expenditure was made.

(5) The committee shall apportion an expenditure listed that was made in support of more than 1 candidate or ballot question, or both, reasonably among the candidates or ballot questions, or both.

(6) A campaign statement of a committee, in addition to the other information required by this section, shall include an itemized list of all expenditures during the reporting period for election day busing of electors to the polls, get-out-the-vote activities, slate cards, challengers, poll watchers, and poll workers.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 308, Imd. Eff. Jan. 4, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989 ;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.230 Contributions prohibited under MCL 432.207b.

Sec. 30. (1) A committee shall not knowingly maintain receipt of a contribution from a person prohibited from making a contribution during the prohibited period under section 7b of the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.207b.

(2) For purposes of this section, a committee is only considered to have knowingly maintained receipt of a contribution prohibited under subsection (1) and is subject to a penalty for that violation if both of the following circumstances exist:

(a) The secretary of state has, by registered mail, notified the committee that the committee has received a contribution in violation of this section and has specifically identified that contribution.

(b) The committee fails to return the contribution identified under subdivision (a) on or before the thirtieth business day after the date the committee receives the notification described in subdivision (a).

History: Add. 1997, Act 71, Imd. Eff. July 17, 1997.

169.231 Contributions or expenditures controlled by another person; bundled contribution.

Sec. 31. (1) A contribution that is controlled by, or made at the direction of, another person, including a parent organization, subsidiary, division, committee, department, branch, or local unit of a person, shall be reported by the person making the contribution and shall be regarded for purposes of contribution limits as a contribution attributable to both persons.

(2) A bundled contribution or a contribution that is delivered as part of a bundled contribution shall be regarded for purposes of contribution limits as both a contribution attributable to the bundling committee that delivered the contribution and a contribution attributable to the individual making the contribution.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

***** *Subsection (5) is retroactive and takes effect January 1, 2010* *****

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169.232 Report of late contributions; late filing fee; subsection (5) retroactive to January 1, 2010; “late contribution” defined.

Sec. 32. (1) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, record preparation, or report filing shall report a late contribution by filing with the filing officer within 48 hours after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor.

(2) Filing of a report of a late contribution under subsection (1) may be by any written means of communication and need not contain an original signature.

(3) A late contribution shall be reported on subsequent campaign statements without regard to reports filed under subsection (1). If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not, therefore, be reported in a subsequent campaign statement.

(4) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to report a late contribution as required by subsection (1) shall pay a late filing fee, that shall not exceed the lesser of the following:

(a) The total amount of the contributions omitted from the late contribution reports.

(b) $2,000.00 determined as follows:

(*i*) Twenty-five dollars for each business day the report remains unfiled.

(*ii*) An additional $25.00 for each business day after the first 3 business days the report remains unfiled.

(*iii*) An additional $50.00 for each business day after the first 10 business days the report remains unfiled.

(5) A committee, other than a candidate committee, is only required to file a report of a late contribution for an election during which the committee made expenditures for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question after the closing date of the last campaign statement required to be filed before an election. This subsection is retroactive and takes effect January 1, 2010.

(6) This state by appropriation or a county shall reimburse or waive any late filing fee paid or assessed under subsection (4) or (5) between January 1, 2010 and the effective date of the amendatory act that added this subsection. This subsection only applies to committees that have filed all other campaign statements required under this act in a timely manner. This subsection does not apply to candidate committees.

(7) As used in this section, for contributions made before the effective date of the amendatory act that added subsection (6), "late contribution" means a contribution of $200.00 or more received after the closing date of the last campaign statement required to be filed before an election. For contributions made on or after the effective date of the amendatory act that added subsection (6), late contribution means, for a candidate committee, contributions from the same contributor with a cumulative total of $500.00 or more received after the closing date of the last campaign statement required to be filed before an election. For contributions made on or after the effective date of the amendatory act that added subsection (6), late contribution means, for a committee other than a candidate committee, contributions from the same contributor with a cumulative total of $2,500.00 or more received after the closing date of the last campaign statement required to be filed before an election.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1999, Act 236, Eff. Mar. 10, 2000;—Am. 2012, Act 277, Imd. Eff. July 3, 2012.

Compiler's note: Section 2 of Act 264 of 1995 provides:

“If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable.”

169.233 Campaign statements; filing schedule; report on expenditures; form; late filing fee; violation as misdemeanor; penalty; prohibitions; filing incomplete or inaccurate statement or report; civil fine; failure to file campaign statements; violation as felony; seizure and forfeiture of money; inventory statement of money seized; notice; hearing; decision; appeal; commencement of action.

Sec. 33. (1) A committee, other than an independent committee, an independent expenditure committee, or a political committee required to file with the secretary of state, supporting or opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act according to the following schedule:

(a) A preelection campaign statement must be filed not later than the eleventh day before an election. The closing date for a campaign statement filed under this subdivision is the sixteenth day before the election.

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(b) A postelection campaign statement must be filed not later than the thirtieth day following the election. The closing date for a campaign statement filed under this subdivision is the twentieth day following the election. A committee supporting a candidate who loses the primary election shall file closing campaign statements in accordance with this section. If all liabilities of that candidate or committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election.

(c) For candidate committees only, in a year in which there is no election for the candidate the candidate committee is supporting or opposing:

(*i*) Not later than July 25 with a closing date of July 20 of that year.

(*ii*) Not later than October 25 with a closing date of October 20 of that year.

(2) For the purposes of subsection (1):

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

(b) A committee other than a candidate committee shall file a campaign statement for each period during which expenditures are made for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question.

(3) An independent committee, an independent expenditure committee, or a political committee other than a house political party caucus committee or senate political party caucus committee required to file with the secretary of state shall file campaign statements as required by this act according to the following schedule:

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

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

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

(4) A house political party caucus committee or a senate political party caucus committee required to file with the secretary of state or a political party committee for a party attempting to qualify as a new political party under section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, shall file campaign statements as required by this act according to the following schedule:

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

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

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

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

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

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

(5) Notwithstanding subsection (3) or (4) or section 51, if an independent expenditure is made within 45 days before a special election by an independent committee, an independent expenditure committee, or a political committee required to file a campaign statement with the secretary of state, the committee shall file a report of the expenditure with the secretary of state within 48 hours after the expenditure. The report must be made on a form provided by the secretary of state and must include the date of the independent expenditure, the amount of the expenditure, a brief description of the nature of the expenditure, and the name and address of the person to whom the expenditure was paid. The brief description of the expenditure must include either the name of the candidate and the office sought by the candidate or the name of the ballot question and state whether the expenditure supports or opposes the candidate or ballot question. This subsection does not apply if the committee is required to report the independent expenditure in a campaign statement that is required to be filed before the date of the election for which the expenditure was made.

(6) A candidate committee or a committee other than a candidate committee that files a written statement under section 24(5) or (6) or that is automatically considered to have made a statement under section 24(5) is not required to file a campaign statement under subsection (1), (3), or (4) unless it received or expended an amount in excess of $1,000.00. If the committee receives or expends an amount in excess of $1,000.00 during a period covered by a filing, the committee is then subject to the campaign filing requirements under this act.

(7) A committee, candidate, treasurer, or other individual designated as responsible for the committee's

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record keeping, report preparation, or report filing who fails to file a statement as required by this section shall pay a late filing fee. If the committee has raised $10,000.00 or less during the previous 2 years, the late filing fee is $25.00 for each business day the statement remains unfiled, but not to exceed $500.00. If the committee has raised more than $10,000.00 during the previous 2 years, the late filing fee must not exceed $1,000.00, determined as follows:

(a) Twenty-five dollars for each business day the report remains unfiled.

(b) An additional $25.00 for each business day after the first 3 business days the report remains unfiled.

(c) An additional $50.00 for each business day after the first 10 business days the report remains unfiled.

(8) If a candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 35 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other designated individual is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both.

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

(10) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than $1,000.00.

(11) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly omits or underreports individual contributions or individual expenditures required to be disclosed by this act, that individual is subject to a civil fine of not more than $1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater.

(12) If a candidate committee's account has a balance of $20,000.00 or more and a candidate, treasurer, or other individual designated as responsible for that committee's record keeping, report preparation, or report filing fails to file campaign statements required under this act for 2 consecutive years, that candidate, treasurer, or other individual is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than $5,000.00, or both. Any money in a candidate committee account described in this subsection is subject to seizure by, and forfeiture to, this state as provided in this section.

(13) Not more than 5 business days after seizure of money under subsection (12), the secretary of state shall deliver personally or by registered mail to the last known address of the candidate from whom the seizure was made an inventory statement of the money seized. The inventory statement must also contain notice to the effect that unless demand for hearing as provided in this section is made within 10 business days, the money is forfeited to this state. Within 10 business days after the date of service of the notice, the candidate may by registered mail, facsimile transmission, or personal service file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state for a determination as to whether the money was lawfully subject to seizure and forfeiture. The candidate is entitled to appear before the secretary of state or a person designated by the secretary of state, to be represented by counsel, and to present testimony and argument. Upon receipt of a request for hearing, the secretary of state or a person designated by the secretary of state shall hold the hearing within 15 business days. The hearing is not a contested case proceeding and is not subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary of state or a person designated by the secretary of state shall render a decision in writing within 10 business days of the hearing and, by order, shall either declare the money subject to seizure and forfeiture or declare the money returnable to the candidate. If, within 10 business days after the date of service of the inventory statement, the candidate does not file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state, the money seized is forfeited to this state by operation of law. If, after a hearing before the secretary of state or a person designated by the secretary of state, the secretary of state or a person designated by the secretary of state determines that the money is lawfully subject to seizure and forfeiture and the candidate does not appeal to the circuit court of the county in which the seizure was made within the time prescribed in this section, the money seized is forfeited to this state by operation of law. If a candidate is aggrieved by the decision of the secretary of state or a person designated by the secretary of state, that candidate may appeal to the circuit court of the county where the seizure was made to obtain a judicial determination of the lawfulness of the seizure and forfeiture. The action must be commenced within 20 days after notice of a determination by the secretary of state or a person designated by the secretary of state is sent to the candidate. The court shall hear the action and determine the issues of fact and law involved in accordance with rules of practice and procedure as in other in rem proceedings.

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History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 307, Imd. Eff. Jan. 4, 1978;—Am. 1982, Act 308, Imd. Eff. Oct. 13, 1982;—Am. 1985, Act 138, Imd. Eff. Oct. 22, 1985;—Am. 1989, Act 95, Eff. Jan. 1, 1990;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 239, Eff. Mar. 21, 2016;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.233a Information to be included with contribution.

Sec. 33a. A political committee, independent committee, or political party committee that makes a contribution to a candidate or ballot question committee shall include with the contribution all information that the receiving committee is required to include in a campaign statement filed pursuant to section 26 regarding the contributing committee.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.234 Campaign statement of ballot question committee; filing schedule; late filing fees; failure to file statement as misdemeanor; penalty; filing incomplete or inaccurate statement or report; civil fine.

Sec. 34. (1) A ballot question committee shall file a campaign statement as required by this act according to the following schedule:

(a) A preelection campaign statement, the closing date of which is the sixteenth day before the election, must not be filed later than the eleventh day before the election.

(b) A postelection campaign statement, the closing date of which is the twentieth day following the election, must not be filed later than the thirtieth day following an election. If all liabilities of the committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election.

(c) Campaign statements not later than the following dates every year:

(*i*) April 25 with a closing date of April 20 of that year.

(*ii*) July 25 with a closing date of July 20 of that year.

(d) In every odd numbered year, a campaign statement not later than October 25 with a closing date of October 20 of that year.

(2) A ballot question committee supporting or opposing a statewide ballot question shall file a campaign statement, of which the closing date is the twenty-eighth day after the filing of the petition form, not later than 35 days after the petition form is filed under section 483a of the Michigan election law, 1954 PA 116, MCL 168.483a.

(3) If a ballot question committee supporting or opposing a statewide ballot question fails to file a preelection statement under this section, that committee or its treasurer shall pay a late filing fee for each business day the statement remains not filed in violation of this section, not to exceed $1,000.00, pursuant to the following schedule:

(a) First day—$25.00.

(b) Second day—$50.00.

(c) Third day—$75.00.

(d) Fourth day and for each subsequent day that the statement remains unfiled—$100.00.

(4) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee supporting or opposing a statewide ballot question fails to file a statement, other than a preelection statement, under this section, that committee, treasurer, or other designated individual shall pay a late filing fee. If the committee has raised $10,000.00 or less during the previous 2 years, the late filing fee is $25.00 for each business day the campaign statement remains unfiled, but not to exceed $1,000.00. If the committee has raised more than $10,000.00 during the previous 2 years, the late filing fee is $50.00 for each business day the campaign statement remains unfiled, but not to exceed $2,000.00.

(5) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee supporting or opposing other than a statewide ballot question fails

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to file a statement under this section, that committee, treasurer, or other designated individual shall pay a late filing fee. If the committee has raised $10,000.00 or less during the previous 2 years, the late filing fee is $25.00 for each business day the campaign statement remains unfiled, but not to exceed $1,000.00. If the committee has raised more than $10,000.00 during the previous 2 years, the late filing fee is $50.00 for each business day the campaign statement remains unfiled, but not to exceed $2,000.00.

(6) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee fails to file a statement as required by subsection (1) or (2) for more than 7 days, that treasurer or other designated individual is guilty of a misdemeanor, punishable by a fine of not more than $1,000.00, or imprisonment for not more than 90 days, or both.

(7) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee knowingly files an incomplete or inaccurate statement or report required by this section, that treasurer or other designated individual is subject to a civil fine of not more than $1,000.00 or the amount of the undisclosed contribution, whichever is greater.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1980, Act 181, Imd. Eff. July 2, 1980;—Am. 1989, Act 95, Imd. Eff. June 21, 1989 ;—Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.235 Additional campaign statement; filing; deadline; period covered; waiver; exception; late filing fees; receipts or expenditures subjecting committee to campaign filing requirements; failure to file as misdemeanor; penalty; filing incomplete or inaccurate statement or report; civil fine.

Sec. 35. (1) In addition to any other requirements of this act for filing a campaign statement, a committee shall also file a campaign statement not later than January 31 of each year. The campaign statement has a closing date of December 31 of the previous year. The period covered by the campaign statement filed under this subsection begins the day after the closing date of the previous campaign statement. A campaign statement filed under this subsection is waived if a postelection campaign statement has been filed that has a filing deadline within 30 days of the closing date of the campaign statement required by this subsection.

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

(3) A committee, candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall be assessed a late filing fee. If the committee has raised $10,000.00 or less during the previous 2 years, the late filing fee is $25.00 for each business day the campaign statement remains unfiled, but not to exceed $500.00. If the committee has raised more than $10,000.00 during the previous 2 years, the late filing fee is $50.00 for each business day the campaign statement remains unfiled, but not to exceed $1,000.00. The candidate shall pay the late filing fee assessed under this subsection, and the candidate shall not use committee funds to pay that fee. A committee, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee other than a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall pay a late filing fee of $25.00 for each business day the campaign statement remains not filed in violation of this section. The late filing fee must not exceed $500.00.

(4) A committee filing a written statement under section 24(5) or (6) need not file a statement in accordance with subsection (1). If a committee receives or expends more than $1,000.00 during a time period prescribed by section 24(5) or (6), the committee is then subject to the campaign filing requirements under this act and shall file a campaign statement for the period beginning the day after the closing date of the last postelection campaign statement or an annual campaign statement that is waived under subsection (1), whichever occurred earlier.

(5) A separate segregated fund filing a campaign statement under this section shall report on the campaign statement the number of items for each item type sold or offered in exchange for a contribution for fundraising purposes where a connected organization paid any costs of the item under section 55(8) during the previous calendar year.

(6) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 33 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other designated individual is guilty of a misdemeanor, punishable by a fine of not more than $1,000.00, or imprisonment for not more than

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90 days, or both.

(7) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee required to file a campaign statement under subsection (1) knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than $1,000.00.

History: 1976, Act 388, Eff. June 30, 1978;—Am. 1980, Act 215, Imd. Eff. July 18, 1980;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1999, Act 238, Imd. Eff. Dec. 28, 1999;—Am. 2000, Act 75, Eff. Mar. 28, 2001;—Am. 2012, Act 273, Eff. Dec. 30, 2012;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.236 Filing copies of campaign statements with secretary of state and county clerks; availability to public.

Sec. 36. (1) A candidate committee for a state elective office or a judicial office shall file a copy of the campaign statement required under this act with the secretary of state. The secretary of state shall reproduce the copy and transmit the reproduction to the clerk of the county of residence of the candidate.

(2) A ballot question committee supporting or opposing a statewide ballot question shall file a copy of the campaign statement required under this act with the secretary of state and with the clerk of the most populous county in the state. Except as otherwise provided in this subsection, a ballot question committee supporting or opposing a ballot question to be voted upon in more than 1 county, but not statewide, shall file a copy of the campaign statement required under this act with the clerk of the county in which the greatest number of registered voters eligible to vote on the ballot question reside. Except as otherwise provided in this subsection, a ballot question committee supporting or opposing a ballot question to be voted upon within a single county shall file a copy of the campaign statement required under this act only with the clerk of that county. If a ballot question committee is registered with the secretary of state and is supporting or opposing a nonstatewide ballot question, that ballot question committee is only required to file the campaign statement required under this act with the secretary of state.

(3) A political party committee shall file a copy of the campaign statement required under this act with the secretary of state. The secretary of state shall reproduce a copy of the campaign statement of a political party committee that is a county committee and file the copy with the clerk of the county where the county committee operates.

(4) A committee supporting or opposing a candidate for local elective office, if the office is to be voted on in more than 1 county but not statewide, shall file a copy of the campaign statement required under this act with the clerk of the county in which the greatest number of registered voters eligible to vote on the office reside.

(5) If a committee is registered with the secretary of state and is supporting or opposing the recall of a local elective officeholder, that committee is only required to file the campaign statement required under this act with the secretary of state.

(6) A committee not covered under subsection (1), (2), (3), (4), or (5) shall file a copy of the campaign statement required under this act with the secretary of state, except that a committee reporting contributions or expenditures for a candidate within only 1 county shall file a statement only with the clerk of that county.

(7) A local unit of government that receives copies of campaign statements under this section shall make the statements available for public inspection and reproduction during regular business hours of the local unit of government. The local unit of government shall make the statements available as soon as practicable after receipt, but not later than the third business day following the day on which they are received.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 306, Imd. Eff. Jan. 4, 1978;—Am. 1980, Act 205, Imd. Eff. July 18, 1980;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2012, Act 277, Imd. Eff. July 3, 2012.

169.237 Campaign statement; signing; verification.

Sec. 37. A campaign statement filed by a committee shall be signed by the committee treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing for that committee. A verification statement shall be part of the campaign statement and shall state that the person who signed the statement used all reasonable diligence in preparation of the statement, and to that person's knowledge the statement is true and complete. If the committee is a candidate committee, the candidate shall also verify, in writing, that to the best of the candidate's knowledge the statement is true and complete.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989.

169.238 Campaign statement; period covered.

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Sec. 38. A campaign statement shall cover the period beginning the day after the closing date of the last campaign statement and ending on the closing date as specified in this act.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989.

169.241 Single contribution of $20.00 or expenditure of $50.00; written instrument, credit card, or debit card; anonymous contribution; contribution in name of another; violations; penalties.

Sec. 41. (1) A person shall not make or accept a single contribution of more than $20.00 in cash or make or accept a single expenditure of more than $50.00 in cash. Contributions of more than $20.00 and expenditures of more than $50.00, other than an in-kind contribution or expenditure, must be made by written instrument, credit card, or debit card.

(2) A person shall not accept or expend an anonymous contribution. An anonymous contribution received by a person must not be deposited but must be given to a tax exempt charitable organization. The charitable organization receiving the contribution shall provide the person with a receipt. The receipt must be retained by an appropriate committee pursuant to section 22.

(3) A contribution must not be made, directly or indirectly, by any person in a name other than the name by which that person is identified for legal purposes.

(4) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is other than an individual, by a fine of not more than $10,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 305, Imd. Eff. Jan. 4, 1978;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.242 Acceptance of contribution by intermediary or agent; disclosure; requirements as to certain contributions; requirements as to contribution from person other than committee; out-of-state contributions made on automatic basis; violations; penalties.

Sec. 42. (1) A person who accepts a contribution, other than by written instrument, on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted shall disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution.

(2) A contribution from a person whose treasurer does not reside in, whose principal office is not located in, or whose funds are not kept in this state, shall not be accepted by a person for purposes of supporting or opposing candidates for elective office or the qualification, passage, or defeat of a ballot question unless accompanied by a statement certified as true and correct by an officer of the contributing person setting forth the full name and address along with the amount contributed, of each person who contributed to the total amount of the contribution. The occupation, employer, and principal place of business shall be listed for each person who contributed more than $100.00 to the total amount of the contribution. The certified statement shall also state that the contribution was not made from an account containing funds prohibited by section 54. This subsection does not apply if the contributing person is registered as a committee under section 24.

(3) A person shall not receive a contribution from a person other than a committee unless, for purposes of the recipient person's record keeping and reporting requirements, the contribution is accompanied by the name and address of each person who contributed to the total amount of the contribution and the name, address, occupation, employer, and principal place of business of each person who contributed more than $100.00 to the total amount of the contribution.

(4) A contribution from a person whose treasurer does not reside in, whose principal office is not located in, or whose money is not kept in this state shall not be accepted by a person for purposes of supporting or opposing candidates for elective office if the contributing person has received contributions on an automatic basis, including, but not limited to, a payroll deduction plan, unless the contribution is accompanied by a statement, certified as true and correct by an officer of the contributing person, setting forth that all contributions received on an automatic basis are in full compliance with section 55.

(5) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is other than an individual, by a fine of not more than $10,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1999, Act 237, Eff. Mar. 10, 2000;—Am. 2001, Act 250, Eff. Mar. 22, 2002.

169.243 Expenditure by agent or independent contractor; requirements; violation; penalty.

Sec. 43. An expenditure shall not be made, other than for overhead or normal operating expenses, by an

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agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor files a report of an independent expenditure as provided in section 51. The agent or independent contractor shall make known to the committee all information required to be reported by the committee. A person who knowingly is in violation of this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both, and if the person is other than an individual the person shall be fined not more than $10,000.00.

History: 1976, Act 388, Eff. June 1, 1977.

169.244 Prohibited contributions or expenditures; delivery or return of contribution; joint fund-raiser; violation as misdemeanor; penalty.

Sec. 44. (1) A person shall not make a contribution to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) Except as otherwise provided in this section and sections 21a, 45, and 71, a candidate committee shall not make an expenditure or other disbursement except to further the nomination or election of the candidate for which it is formed. A candidate committee shall not make a contribution to or an independent expenditure on behalf of another candidate committee. This subsection does not prohibit the purchase of tickets to another candidate committee's fund-raising event that does not exceed $100.00 per candidate committee in any calendar year.

(3) An individual, other than a committee treasurer or the individual designated as responsible for the record keeping, report preparation, or report filing for a committee, who obtains possession of a committee's contribution for the purpose of delivering the contribution to another committee shall deliver the contribution to that committee, that committee's treasurer, or that committee's agent, or return the contribution to the payor, not later than 10 business days after obtaining possession of the contribution.

(4) Two or more persons, other than individuals, may hold a joint fund-raiser if the receipts and expenses of the fund-raiser are shared proportionately.

(5) A person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.

169.245 Transfer of unexpended funds; funds transferred not considered qualifying contribution; disbursement of funds ineligible for transfer.

Sec. 45. (1) A person may transfer any unexpended funds from 1 candidate committee to another candidate committee of that person if the contribution limits prescribed in section 52 or 69 for the candidate committee receiving the funds are equal to or greater than the contribution limits for the candidate committee transferring the funds and if the candidate committees are simultaneously held by the same person. The funds being transferred shall not be considered a qualifying contribution regardless of the amount of the individual contribution being transferred.

(2) Upon termination of a candidate committee, unexpended funds in the candidate committee that are not eligible for transfer to another candidate committee of the person under subsection (1) shall be disbursed as follows:

(a) Given to a political party committee.

(b) Given to a tax exempt charitable organization, as long as the candidate does not become an officer or director of or receive compensation, either directly or indirectly, from that organization.

(c) Returned to the contributors of the funds upon termination of the campaign committee.

(d) If the person was a candidate for the office of state representative, given to a house political party caucus committee.

(e) If the person was a candidate for the office of state senator, given to a senate political party caucus committee.

(f) Given to an independent committee.

(g) Given to a ballot question committee.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 632, Imd. Eff. Jan. 8, 1979;—Am. 1996, Act 590, Eff. Mar. 31, 1997.

169.246 Adjustments to dollar value floor and contribution limits; "consumer price index" defined.

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Sec. 46. (1) At the beginning of every odd numbered year, the secretary of state shall recommend adjustments to and which shall be approved by the legislature of the dollar value floor for reporting of the name, address, occupation, and employer, or principal place of business of persons who make contributions pursuant to this act, on the basis of the consumer price index and the number of registered voters in the state.

(2) Beginning January 1, 2019 and every 4 years thereafter, the secretary of state shall adjust the dollar value contribution limits provided in sections 52, 52a, and 69(1). The secretary of state shall adjust the limits in sections 52, 52a, and 69(1) by comparing the percentage increase or decrease in the consumer price index for the preceding August by the corresponding consumer price index 4 years earlier. The secretary of state shall multiply that percentage change by the amounts in sections 52, 52a, and 69(1). The secretary of state shall round up each dollar value adjustment made under this subsection to the nearest $25.00. The secretary of state shall announce the adjustments made under this subsection by December 15 of each year.

(3) As used in this section, "consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, in addition to the identification required under this subsection, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the Federal Communications Commission, bear an identification that contains the name of the person paying for the advertisement, and be in compliance with subsection (3) and, except as otherwise provided by subsection (5), with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".

(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject to both of the following:

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant

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electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

(b) Is not required to contain the disclaimer required by subsection (1) or (2).

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00, or imprisonment for not more than 93 days, or both.

(7) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall bear an identification that contains the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall be in compliance with subsection (4). A prerecorded telephone message subject to this subsection is not required to contain a disclaimer.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 348, Imd. Eff. July 12, 1978;—Am. 1996, Act 225, Imd. Eff. May 30, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Section 2 of Act 225 of 1996, which amended this section, provides:

"Section 2. If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.249 Repealed. 1999, Act 224, Eff. Mar. 10, 2000.

Compiler's note: The repealed section pertained to the officeholder expense fund.

169.250 Acceptance of honorarium by legislator prohibited; violation as misdemeanor; penalty.

Sec. 50. A legislator shall not accept an honorarium. A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both.

History: Add. 1994, Act 385, Eff. Jan. 1, 1995.

169.251 Independent expenditure of $100.01 or more; report; forwarding copies to filing officers; late filing fees; violation as misdemeanor.

Sec. 51. (1) A person, other than a committee, that makes an independent expenditure, advocating the election or defeat of a candidate or the qualification, passage, or defeat of a ballot question, in an amount of $100.01 or more in a calendar year shall file a report of the independent expenditure, within 10 days after making that independent expenditure, with the clerk of the county of residence of that person. If the independent expenditure advocates the election or defeat of a candidate for state elective office or for judicial office, or for the qualification, passage, or defeat of a statewide ballot question, or if the person making the independent expenditure is not a resident of this state, the person shall file the report with the secretary of state in lieu of filing with a clerk of a county. The report required under this section must be made on an independent expenditure report form provided by the secretary of state, include the date of the expenditure, a brief description of the nature of the expenditure, the amount, the name and address of the person to whom it was paid, the name and address of the person filing the report, together with the name, address, occupation, employer, and principal place of business of each person that contributed $100.01 or more to the expenditure, and identify the candidate or ballot question for or against which the independent expenditure was made. The filing official receiving the report shall forward copies, as required, to the appropriate filing officers as described in section 36.

(2) If a person fails to file a report as required under this section, that person shall pay a late filing fee. If the person has made independent expenditures totaling less than $10,000.00, the late filing fee is $25.00 for each business day the report remains unfiled, but not to exceed $1,000.00. If the person has made independent expenditures totaling $10,000.00 or more, the late filing fee is $50.00 for each business day the report remains unfiled, but not to exceed $5,000.00. A person that violates this subsection by failing to file a report required under this section for more than 30 days after the report is required to be filed is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

169.252 Limitations on contributions to candidate committee; contribution from candidate's immediate family; contribution for particular election cycle; violation as misdemeanor; penalty; contributions made by political or independent committees established by

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corporation, joint stock company, domestic dependent sovereign, or labor organization; bundled contributions.

Sec. 52. (1) Except as provided in subsection (5) or (11) and subject to section 46 and subsection (8), a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate for elective office that, with respect to an election cycle, are more than the following:

(a) $6,800.00 for a candidate for state elective office other than the office of state legislator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 250,000.

(b) $2,000.00 for a candidate for state senator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 85,000 but 250,000 or less.

(c) $1,000.00 for a candidate for state representative, or for a candidate for local elective office if the district from which he or she is seeking office has a population of 85,000 or less.

(2) Except as otherwise provided in this subsection and subsection (12), an independent committee shall not make contributions to a candidate committee of a candidate for elective office that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A house political party caucus committee or a senate political party caucus committee is not limited under this subsection in the amount of contributions made to the candidate committee of a candidate for the office of state legislator, except as follows:

(a) A house political party caucus committee or a senate political party caucus committee shall not pay a debt incurred by a candidate if that debt was incurred while the candidate was seeking nomination at a primary election and the candidate was opposed at that primary.

(b) A house political party caucus committee or a senate political party caucus committee shall not make a contribution to or make an expenditure on behalf of a candidate if that candidate is seeking nomination at a primary election and the candidate is opposed at that primary.

(3) A political party committee other than a state central committee shall not make contributions to the candidate committee of a candidate for elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(4) A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state elective office other than a candidate for the legislature that are more than 20 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state senator, state representative, or local elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(5) A contribution from a member of a candidate's immediate family to the candidate committee of that candidate is exempt from the limitations of subsection (1).

(6) Consistent with the provisions of this section, a contribution designated in writing for a particular election cycle is considered made for that election cycle. A contribution made after the close of a particular election cycle and designated in writing for that election cycle shall be made only to the extent that the contribution does not exceed the candidate committee's net outstanding debts and obligations from the election cycle so designated. If a contribution is not designated in writing for a particular election cycle, all of the following apply to that contribution:

(a) The contribution is considered made for the election cycle that corresponds to the date of the written instrument.

(b) The contribution limits for the current election cycle apply to that contribution.

(c) A candidate committee may use that contribution to pay outstanding debts and obligations from a previous election cycle regardless of whether the contribution, when aggregated with any contributions made in that previous election cycle, would exceed the contribution limits for that previous election cycle.

(7) A candidate committee, a candidate, or a treasurer or agent of a candidate committee shall not accept a contribution with respect to an election cycle that exceeds the limitations in subsection (1), (2), (3), (4), (11), or (12).

(8) The contribution limits in subsection (1) for a candidate for local elective office are effective on the effective date of the amendatory act that provides for those contribution limits, however, only contributions received by that candidate on and after that date shall be used to determine if the contribution limit has been reached.

(9) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both, or, if the

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person is not an individual, by a fine of not more than $10,000.00.

(10) For purposes of the limitations provided in subsections (1) and (2), all contributions made by political committees or independent committees established by any corporation, joint stock company, domestic dependent sovereign, or labor organization, including any parent, subsidiary, branch, division, department, or local unit thereof, shall be considered to have been made by a single independent committee. By way of illustration and not limitation, all of the following apply as a result of the application of this requirement:

(a) All of the political committees and independent committees established by a for profit corporation or joint stock company, by a subsidiary of the for profit corporation or joint stock company, or by any combination thereof, are treated as a single independent committee.

(b) All of the political committees and independent committees established by a single national or international labor organization, by a labor organization of that national or international labor organization, by a local labor organization of that national or international labor organization, or by any other subordinate organization of that national or international labor organization, or by any combination thereof, are treated as a single independent committee.

(c) All of the political committees and independent committees established by an organization of national or international unions, by a state central body of that organization, by a local central body of that organization, or by any combination thereof, are treated as a single independent committee.

(d) All of the political committees and independent committees established by a nonprofit corporation, by a related state entity of that nonprofit corporation, by a related local entity of that nonprofit corporation, or by any combination thereof, are treated as a single independent committee.

(11) The limitation on a political committee's contributions under subsection (1) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the political committee as prescribed in section 31. A political committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the political committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than the amount permitted a person other than an independent committee or political party committee in subsection (1).

(12) The limitation on an independent committee's contributions under subsection (2) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the independent committee as prescribed in section 31. An independent committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the independent committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 349, Imd. Eff. July 12, 1978;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.252a Contribution to house political party caucus committee or senate political party caucus committee; limitation; violation as misdemeanor; penalty.

Sec. 52a. (1) Subject to section 46, a person shall not make contributions to a house political party caucus committee or a senate political party caucus committee that exceed $40,000.00 in a calendar year. A house political party caucus committee or a senate political party caucus committee or a treasurer or agent of the committee shall not accept a contribution with respect to a 2-year election cycle that exceeds the limitation in this section.

(2) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than $10,000.00.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the

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invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.253 Contribution or expenditure by dependent minor.

Sec. 53. For the purposes of sections 49 to 53 a contribution or expenditure by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution limitations of the minor's parent or guardian, as set forth in section 52.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1977, Act 304, Imd. Eff. Jan. 4, 1978.

169.254 Contributions, expenditures, or volunteer personal services by corporation, joint stock company, domestic dependent sovereign, or labor organization, or by persons acting for corporation, joint stock company, domestic dependent sovereign, or labor organization; in-kind contribution; contribution to ballot question committee or independent expenditure committee; independent expenditures as to ballot questions; violation; penalty.

Sec. 54. (1) Except as otherwise provided in this section and section 55, and except with respect to loans made in the ordinary course of business, a corporation, joint stock company, domestic dependent sovereign, or labor organization shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution under section 4(3)(a).

(2) An officer, director, stockholder, attorney, agent, or any other person acting for a labor organization, a domestic dependent sovereign, or a corporation or joint stock company, whether incorporated under the laws of this or any other state or foreign country, except corporations formed for political purposes, shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution under section 4(3)(a).

(3) Except for expenditures made by a corporation in the ordinary course of its business, an expenditure made by a corporation to provide for the collection and transfer of contributions to a separate segregated fund for which it is not a connected organization as provided in section 55 constitutes an in-kind contribution by the corporation and is prohibited under this section. Advanced payment or reimbursement to a corporation by a nonconnected separate segregated fund does not cure a use of corporate resources otherwise prohibited by this section.

(4) A corporation, joint stock company, domestic dependent sovereign, or labor organization may make a contribution to a ballot question committee or independent expenditure committee subject to this act. A corporation, joint stock company, domestic dependent sovereign, or labor organization may make an independent expenditure in any amount advocating for the election or defeat of a candidate, or the qualification, passage, or defeat of a ballot question and does not for this reason become a committee, unless it solicits or receives contributions in excess of $500.00 for the purpose of making the independent expenditure, but is subject to the independent expenditure reporting requirements of section 51.

(5) A person who knowingly violates this section is guilty of a felony punishable, if the person is an individual, by a fine of not more than $5,000.00 or imprisonment for not more than 3 years, or both, or, if the person is not an individual, by a fine of not more than $10,000.00.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Constitutionality: Subsection (1) of this section does not violate the First Amendment and does not violate the Equal Protection Clause of the Fourteenth Amendment of the US Constitution. Austin v Michigan Chamber of Commerce, 494 US 652; 110 S Ct 1391; 108 L Ed 2d 652 (1990).

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.255 Segregated fund for political purposes; establishment by connected organization; limitations; solicitation of contributions; prohibited practices; contribution to separate segregated fund; disproportionate in-kind contributions for prizes; violation; penalty; exception; definitions.

Sec. 55. (1) A connected organization may make an expenditure for the establishment or administration of, and solicitation, collection, or transfer of contributions to, a separate segregated fund to be used for political purposes. A connected organization may also pay actual costs related to mailing or shipping of an item or

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prize purchased under subsection (8). A separate segregated fund established by a connected organization under this section must be organized as a political committee or an independent committee, and, in addition to any other disbursements not restricted or prohibited by law, must only make contributions to, and expenditures on behalf of, candidate committees, ballot question committees, political party committees, political committees, independent expenditure committees, independent committees, and other separate segregated funds.

(2) Contributions for a separate segregated fund established by a corporation, organized on a for profit basis, or a joint stock company under this section may be solicited from any of the following persons or their spouses:

(a) Stockholders of the corporation or company.

(b) Officers and directors of the corporation or company.

(c) Employees of the corporation or company who have policy making, managerial, professional, supervisory, or administrative nonclerical responsibilities.

(3) Contributions for a separate segregated fund established under this section by a corporation organized on a nonprofit basis may be solicited from any of the following persons or their spouses:

(a) Members of the corporation who are individuals.

(b) Stockholders or members of members of the corporation.

(c) Officers or directors of members of the corporation.

(d) Employees of the members of the corporation who have policy making, managerial, professional, supervisory, or administrative nonclerical responsibilities.

(e) Employees of the corporation who have policy making, managerial, professional, supervisory, or administrative nonclerical responsibilities.

(4) Contributions for a separate segregated fund established under this section by a labor organization may be solicited from any of the following persons or their spouses:

(a) Members of the labor organization who are individuals.

(b) Officers or directors of the labor organization.

(c) Employees of the labor organization who have policy making, managerial, professional, supervisory, or administrative nonclerical responsibilities.

(5) Contributions for a separate segregated fund established under this section by a domestic dependent sovereign may be solicited from an individual who is a member of any domestic dependent sovereign.

(6) Contributions must not be obtained for a separate segregated fund established under this section by use of coercion or physical force, by making a contribution a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals. A connected organization shall not solicit or obtain contributions for a separate segregated fund established under this section from an individual described in subsection (2), (3), (4), or (5) on an automatic or passive basis including but not limited to a payroll deduction plan or reverse checkoff method. A connected organization may solicit or obtain contributions for a separate segregated fund established under this section from an individual described in subsection (2), (3), (4), or (5) on an automatic basis, including but not limited to a payroll deduction plan, only if the individual who is contributing to the fund affirmatively consents to the contribution. Affirmative consent does not expire until revoked by the individual who provided the affirmative consent.

(7) A contribution by an individual to a separate segregated fund may be collected by or made payable first to a connected organization of the separate segregated fund, for subsequent transfer to the separate segregated fund if all of the following occur:

(a) For contributions that are aggregated with dues or other payments, the individual making the contribution does either of the following:

(*i*) Specifically indicates in a record or electronic record that the amount collected, or a specified portion of the total amount if remitted as part of a dues or other payment to the connected organization, is a contribution to the separate segregated fund.

(*ii*) Fails to return a record or electronic record described in subparagraph (*i*), but remits payment to the connected organization in response to a specifically requested amount that includes a solicited contribution, the solicitation for a contribution was clearly distinguishable from any dues or other fees requested as part of the total, and the connected organization maintains a record or electronic record of the solicitation that includes the amount of the solicited contribution and the amount of any dues or other fees charged in conjunction with the solicitation for each contributor.

(b) The connected organization transfers the entire specified amount of any contribution, individually or aggregated with other contributions, for deposit to the separate segregated fund electronically or by written instrument.

(c) The connected organization reports all information required under section 26 for each individual

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contributor, and a transfer of contributions for deposit to the separate segregated fund by a connected organization described in subsection (12)(a)(*ii*) must be accompanied by or logically associated with a record or electronic record that sets forth all required information for each individual whose contribution is transferred.

(d) The connected organization and the separate segregated fund have a written policy governing the handling, accounting, and transfer of any contribution under this subsection.

(e) In connection with an investigation or hearing under section 15 regarding any contributions under this subsection, the connected organization voluntarily agrees to make available to the secretary of state any records described in subdivisions (a) to (d) and provides those records at the request of the secretary of state.

(8) In addition to any other expenditures or disbursements allowed under subsection (1), a connected organization may make an in-kind contribution to pay costs for a prize, or 1 or more items to be sold or offered in exchange for a contribution, as part of fundraising activities for the separate segregated fund. Any in-kind contribution for payment of costs by the connected organization for a prize or per individual item to be sold or offered in exchange for a contribution must not be disproportionately valuable related to the amount raised by that prize or the amount to be raised or contributed per individual item sold or offered. It is not a violation of this subsection if the connected organization makes an in-kind contribution for a payment of costs under this subsection that is disproportionately valuable and the separate segregated fund reimburses at least the impermissible portion to the connected organization within 60 days of the payment, or as directed by the secretary of state under section 15. An in-kind contribution for a payment of costs under this subsection is disproportionately valuable unless both of the following apply:

(a) The in-kind contribution is equal to or less than $5.00 per prize or per individual item to be sold or offered in exchange for a contribution.

(b) The in-kind contribution is equal to or less than 10% of the total amount raised by the prize, or if the payment of costs per item sold or offered in exchange for a contribution is equal to or less than 10% of the amount to be raised per individual item sold or offered.

(9) Except as otherwise provided in subsections (8) and (11), a person who knowingly violates this section is guilty of a felony punishable, if the person is an individual, by a fine of not more than $5,000.00 or imprisonment for not more than 3 years, or both, or, if the person is not an individual, by a fine of not more than $10,000.00.

(10) If a connected organization that obtains contributions for a separate segregated fund from individuals described in subsection (2), (3), (4), or (5) pays to 1 or more of those individuals a bonus or other remuneration for the purpose of reimbursing those contributions, then that connected organization is subject to a civil fine of not more than 2 times the total contributions obtained from all individuals for the separate segregated fund during that calendar year.

(11) If a violation of this section results solely from the failure of a connected organization to transfer 1 or more contributions, that connected organization is not guilty of a felony as described in subsection (9), but shall notify the contributor of the failure to transfer the contribution and refund the full amount of the contribution to the contributor if requested. The penalties described in subsection (9) apply to any other violation of this section, including use or diversion of any contributions by a connected organization before those contributions are transferred to the separate segregated fund under subsection (7).

(12) As used in this section:

(a) "Connected organization" means either of the following:

(*i*) A corporation organized on a for-profit or nonprofit basis, a joint stock company, a domestic dependent sovereign, or a labor organization formed under the laws of this or another state or foreign country.

(*ii*) A member of any entity under subparagraph (*i*) that is not an individual and that does not maintain its own separate segregated fund, unless its separate segregated fund and the separate segregated fund of the entity of which it is a member are treated as a single independent committee as provided in section 52(10).

(b) "Record" and "electronic record" mean those terms as defined in section 2 of the uniform electronic transactions act, 2000 PA 305, MCL 450.832.

(c) "Written instrument" means a money order, or a check, cashier's check, or other negotiable instrument, as those terms are defined in section 3104 of the uniform commercial code, 1962 PA 174, MCL 440.3104, in the name of the connected organization and payable to the separate segregated fund.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1994, Act 117, Eff. Apr. 1, 1995;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017;—Am. 2019, Act 93, Imd. Eff. Oct. 10, 2019.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the

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invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.256 Ordinance or resolution.

Sec. 56. A county, city, township, village, or school district may not adopt an ordinance or resolution that is more restrictive than the provisions contained in this act.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976.

169.257 Contributions, expenditures, or volunteer personal services; prohibitions; civil action; use of public funds or resources for communication referencing local ballot questions; violation as misdemeanor; penalty.

Sec. 57. (1) A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a). The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection. This subsection does not apply to any of the following:

(a) The expression of views by an elected or appointed public official who has policy making responsibilities.

(b) Subject to subsection (3), the production or dissemination of factual information concerning issues relevant to the function of the public body.

(c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.

(d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.

(e) The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.

(f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

(2) If the secretary of state has dismissed a complaint filed under section 15(5) alleging that a public body or person acting for a public body used or authorized the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, or if the secretary of state enters into a conciliation agreement under section 15(10) that does not prevent a public body or a person acting for a public body to use or authorize the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, the following apply:

(a) The complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action against the public body or person acting for the public body to seek declaratory, injunctive, mandamus, or other equitable relief and to recover losses that a public body suffers from the violation of this section.

(b) If the complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred prevails in an action initiated under this subsection, a court shall award the complainant or any other person necessary expenses, costs, and reasonable attorney fees.

(c) Any amount awarded or equitable relief granted by a court under this subsection may be awarded or granted against the public body or an individual acting for the public body, or both, that violates this section, as determined by the court.

(d) A complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action under this subsection in any county in which venue is proper. Process issued by a court in which an action is filed under this subsection may be served anywhere in this state.

(3) Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the

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period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.

(4) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by 1 of the following, whichever is greater:

(a) A fine of not more than $20,000.00.

(b) A fine equal to the amount of the improper contribution or expenditure.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2001, Act 250, Eff. Mar. 22, 2002 ;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

169.261 State campaign fund; creation; administration; tax designation; appropriation; distribution of money; transfer to general fund.

Sec. 61. (1) The state campaign fund is hereby created. The state treasurer shall administer the state campaign fund in accordance with this act.

(2) An individual whose tax liability under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532, for a taxable year is $3.00 or more may designate that $3.00 be credited to the state campaign fund. In the case of a joint return of husband and wife having an income tax liability of $6.00 or more, each spouse may designate that $3.00 be credited to the state campaign fund.

(3) The tax designation authorized in this section shall be clearly and unambiguously printed on the first page of the state individual income tax return.

(4) Except as otherwise provided in this section, an amount equal to the cumulative amounts designated under subsection (2) each year shall be appropriated annually from the general fund of this state to the state campaign fund to be available beginning January 1 and continuing through December 31 of each year in which a governor is elected. Except as otherwise provided in this section, money appropriated under this section shall not lapse to the general fund but shall remain in the state campaign fund for distribution without fiscal year limitation except that any money remaining in the state campaign fund in excess of $10,000,000.00 on December 31 immediately following a gubernatorial general election shall lapse to the general fund.

(5) Before the distribution of money under this act to qualifying primary election candidates, the state treasurer shall set aside sufficient money from the state campaign fund to fully implement the formula for distributing money to qualifying general election candidates. If there is insufficient money in the state campaign fund to provide full funding to eligible primary election candidates, the available money shall be distributed to those candidates on a pro rata basis.

(6) For fiscal year 2006-2007 only, $7,200,000.00 shall be transferred from the state campaign fund to the general fund of this state.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1993, Act 262, Imd. Eff. Dec. 14, 1993;—Am. 2007, Act 66, Imd. Eff. Sept. 28, 2007.

169.262 Candidates eligible to receive moneys; moneys to be spent and reported by candidate committee; filing statement of organization as condition to receiving moneys from state campaign fund; exemption from MCL 169.261 to 169.271.

Sec. 62. (1) Only a candidate who established a single candidate committee which submitted a statement of organization according to procedures established by law may receive moneys under this act. Moneys received by a candidate pursuant to this act shall be spent only through the candidate committee and shall be reported by the candidate committee according to procedures established by law.

(2) If a candidate desires to receive moneys from the state campaign fund, the candidate shall file a statement of organization indicating the intent to seek qualifying contributions or to make qualifying expenditures. Contributions received or expenditures made before the filing of a statement of organization for

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the office of governor shall not be considered as a qualifying contribution.

(3) A candidate who does not apply for moneys from the state campaign fund is not subject to sections 61 to 71.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976.

169.263 Record of candidate's certified statements of qualifying contributions; contents of statement; notice of qualification to receive moneys; application for moneys; determination of amount; forwarding information and application to state treasurer; issuance of warrant.

Sec. 63. (1) The secretary of state shall receive and keep a record of each candidate's certified statements of qualifying contributions. A statement shall include in alphabetical order the full name and street address of each person from whom a qualifying contribution is received during the reporting period, together with the amount of each contribution and the date received by the treasurer of the committee.

(2) The secretary of state shall promptly notify a candidate for nomination for governor when that candidate qualifies under this act to receive moneys from the state campaign fund.

(3) If a candidate desires to receive moneys from the state campaign fund and received notice of qualification for funding under subsection (2), the candidate shall apply to the secretary of state. The candidate shall state the amount of moneys desired from the state campaign fund in the application. The candidate shall state in the application for state campaign fund money that the candidate and the candidate's committee agree to adhere to expenditure limitations stated in section 67.

(4) The secretary of state shall determine the maximum amount for which the candidate qualifies under this act. The secretary of state shall forward information as to this amount and the application for funding to the state treasurer.

(5) The state treasurer shall issue a warrant drawn on the state campaign fund for an amount equal to the maximum amount which the candidate is qualified to receive or the amount applied for, whichever is less. The warrant shall not be issued before January 1 of the year in which the election for governor is to be held.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1977, Act 309, Imd. Eff. Jan. 4, 1978.

169.264 Payments to candidates in primary election; requirements; return of funds.

Sec. 64. (1) A candidate in a primary election may obtain funds from the state campaign fund in an amount equal to $2.00 for each $1.00 of qualifying contribution if the candidate certifies to the secretary of state both of the following:

(a) That the candidate committee of the candidate received $75,000.00 or more of qualifying contributions.

(b) That the full name and address of each person making a qualifying contribution is recorded by the candidate committee of the candidate certifying. This requirement is in addition to and not in lieu of any other requirements relating to the recording and reporting of contributions.

(2) A candidate is not entitled to funds from the state campaign fund for a primary election if it is determined the name of the candidate is ineligible to appear on the primary election ballot pursuant to section 53 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.53 of the Michigan Compiled Laws. A candidate who does not file nominating petitions for the office of governor or who files an insufficient petition for that office shall return all funds received from the state campaign fund for that primary election.

(3) A candidate shall not receive from the state campaign fund for a primary more than $990,000.00.

(4) For purposes of this section, primary election is the election described in section 52 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.52 of the Michigan Compiled Laws.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1993, Act 262, Imd. Eff. Dec. 14, 1993.

169.265 Nominees entitled to receive funds.

Sec. 65. (1) A major political party nominee is entitled to an amount from the state campaign fund of not more than $1,125,000.00 for a general election. A candidate, subject to law, may raise the remaining amount of the permissible expenditure limit in private contributions. An eligible candidate in a general election may elect to accept partial payment of money from the state campaign fund and instead raise private contributions as provided by law that, when added to the amount received from the state campaign fund, do not exceed the expenditure limit designated in section 67.

(2) A minor political party nominee whose party received 5% or more of the vote for the same office in the last election is entitled to an amount from the state campaign fund of not more than $1,125,000.00, multiplied by the number of popular votes the minor party received in the preceding general election for governor and

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then divided by the average number of votes the major parties received in that general election for governor.

(3) A minor political party nominee not eligible under subsection (2) but who receives more than 5% of the vote in that general election for governor is entitled to reimbursement from the state campaign fund in an amount of not more than $1,125,000.00, multiplied by the number of popular votes the minor party received in the preceding general election for governor and then divided by the average number of votes the major parties received in that general election for governor.

(4) A minor political party nominee qualified under subsection (2) who receives more popular votes in an election than the candidate of that minor political party received at the preceding election is entitled to additional reimbursement from the state campaign fund in an amount determined as follows:

(a) Compute the amount that the candidate would have received under subsection (3) had the candidate otherwise qualified.

(b) Subtract the amount received under subsection (2) from the amount computed under subdivision (a).

(5) A candidate listed on the ballot in the general election is entitled to $1.00 for each $1.00 of qualifying contributions certified to the secretary of state pursuant to this act up to $750,000.00, if the candidate has certified to the secretary of state $75,000.00 or more in qualifying contributions. A candidate who chooses to receive any public funds under this subsection shall not receive any money under subsection (1), (2), (3), or (4).

(6) A major political party nominee shall receive from the state treasurer $56,250.00 of the funds that the candidate may be entitled to under this section not later than 10 days after the primary election, unless there is less than a 2% difference in vote totals of the top 2 primary election candidates of the same political party according to unofficial vote totals available to the secretary of state. The balance of any funds owed to a major political party nominee under this section shall be payable by the state treasurer within 3 days after the board of state canvassers' certification of the primary election results, but not later than 30 days after the primary election. Any funds paid to a major political party nominee under this section either erroneously or based on election results that are reversed due to a recount or fraud shall be repaid by that major political party nominee to the state treasurer within 60 days of receipt of notification by certified mail from the state treasurer.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1980, Act 204, Imd. Eff. July 18, 1980;—Am. 1993, Act 262, Imd. Eff. Dec. 14, 1993.

169.266 Application of funds against qualified campaign expenditures; “qualified campaign expenditure” defined; separate account for funds received; payment of qualified expenditures; disposition of unexpended balance; use of payment for expenditures in subsequent election prohibited; violation; penalty.

Sec. 66. (1) A candidate may only apply the funds received under this act from the state campaign fund against qualified campaign expenditures.

(2) As used in this section, "qualified campaign expenditure" means an expenditure for services, materials, facilities, or other things of value by the candidate committee to further the candidate's nomination or election to office during the year in which the primary or general election in which the candidate seeks nomination or election is held. Qualified campaign expenditure does not include any of the following:

(a) An expenditure in violation of any law of the United States or of this state.

(b) A payment made to the candidate or a relative within the third degree of consanguinity of the candidate, or to a business with which the candidate or the relative is associated.

(c) A payment to the extent clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(d) That portion of any salary or wage to an individual in excess of $5,000.00 per month.

(e) Payment from petty cash.

(f) Gifts, except brochures, buttons, signs, and other printed campaign material.

(g) Payment to a defense fund.

(h) An expenditure by a candidate committee for an incidental expense under section 21a.

(3) A candidate shall keep the funds received under this act from the state campaign fund in a separate account. The candidate's qualified expenditures may be paid from the separate account unless the account does not have a balance. An unexpended balance in the separate account shall be refunded and credited to the general fund within 60 days after the election for which the funds were received. Payment received from the state campaign fund for expenditures in 1 election shall not be used for expenditures in a subsequent election.

(4) A person who knowingly violates this section is guilty of a felony punishable, if the person is an individual, by a fine of not more than $2,000.00, or imprisonment for not more than 3 years, or both, or, if the person not an individual, by a fine of not more than $10,000.00.

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History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1993, Act 262, Imd. Eff. Dec. 14, 1993;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994.

169.267 Limitations on expenditures; exceptions; violation as misdemeanor; penalty; prohibitions.

Sec. 67. (1) Expenditures made by a candidate committee to further the nomination or election of a candidate may not exceed $2,000,000.00 in the aggregate for 1 election. An expenditure by a candidate committee for an incidental expense under section 21a is not considered an expenditure for the purposes of the expenditure limitations set forth in this subsection.

(2) An expenditure by a candidate committee to purchase space in a newspaper or other periodical or time on radio or television for the purpose of responding to an editorial in the same newspaper or periodical or on the same station or channel that was unfavorable to the committee's candidate or that endorsed the candidate's opponent is not considered an expenditure for the purposes of the expenditure limitations set forth in subsection (1). This subsection only applies to 1 response made to a particular editorial, unfavorable report, or endorsement of an opponent and does not apply unless the candidate is refused free space or time in which to answer.

(3) A person who knowingly violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than $1,000.00, or imprisonment for not more than 90 days, or both.

(4) If a person who is subject to this section is found guilty, the circuit court, on application by the attorney general, may prohibit that person from assuming the duties of a public office or from receiving compensation from public funds, or both.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1993, Act 262, Imd. Eff. Dec. 14, 1993;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994.

169.268 Debt limitation; violation; penalty; prohibitions.

Sec. 68. (1) A debt for goods, services, materials, facilities, or anything of value in furtherance of, or in opposition to, the nomination for, or election to, office of a candidate shall not be incurred by a person which, when paid, will cause the expenditures of that candidate or person to exceed any limit imposed by this act. A person who knowingly violates this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00, or imprisoned for not more than 90 days, or both.

(2) If a person who is subject to this section is found guilty, the circuit court of that county, on application by the attorney general, may prohibit that person from assuming the duties of a public office or from receiving compensation from public funds, or both.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976.

169.269 Limitations on contributions for election cycle; "immediate family" defined; determination of election cycle beginning and ending; notices; violation as misdemeanor; penalty; bundled contributions.

Sec. 69. (1) Except as provided in subsection (6) or (10) and subject to section 46, a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate that are more than $6,800.00 in value for an election cycle.

(2) Except as provided in subsection (11), an independent committee shall not make contributions to a candidate committee that for an election cycle are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(3) A political party committee that is a state central committee shall not make contributions to a candidate committee that for an election cycle are more than $750,000.00.

(4) A political party committee that is a congressional district or county committee shall not make contributions to a candidate committee that for an election cycle are more than $30,000.00.

(5) A candidate committee, a candidate, or a treasurer or agent shall not accept a contribution with respect to an election cycle that exceeds a limitation in subsections (1) to (4), or (10).

(6) As used in this subsection, "immediate family" means a spouse, parent, brother, sister, son, or daughter. A candidate and members of that candidate's immediate family may not contribute in total to that person's candidate committee an amount that is more than $50,000.00 in value for an election cycle.

(7) Sections 5(3) and 52(6) apply to determining when an election cycle begins and ends and to which election cycle a particular contribution is attributed.

(8) The candidate committee of a candidate for governor that does not apply for funds from the state campaign fund and that accepts from the candidate and the candidate's immediate family contributions that total for an election cycle more than $340,000.00 shall notify the secretary of state in writing within 48 hours

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after receipt of this amount. Within 2 business days after receipt of this notice, the secretary of state shall send notice to all candidates who are either seeking the same nomination, in the case of a primary election, or election to that same office, in the case of a general election, informing those candidate committees of all of the following:

(a) That the expenditure limits provided in section 67 are waived for the remainder of that election for those notified candidate committees that receive funds from the state campaign fund under this act.

(b) That the expenditure limits of section 67 are not waived for the purpose of determining the amount of public funds available to a candidate under section 64 or 65.

(9) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than $10,000.00.

(10) The limitation on a political committee's contributions under subsection (1) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the political committee as prescribed in section 31. A political committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the political committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than the amount permitted a person other than an independent committee or political party committee in subsection (1).

(11) The limitation on an independent committee's contributions under subsection (2) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the independent committee as prescribed in section 31. An independent committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the independent committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

169.270 Reporting contribution or expenditure controlled or directed by another person.

Sec. 70. A contribution or expenditure which is controlled by, or made at the direction of, another person, including a parent organization, subsidiary, division, committee, department, branch, or local unit of a person, shall be reported by the person making the expenditure or contribution, and shall be regarded as an expenditure or contribution attributable to both persons for purposes of expenditure or contribution limits.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976.

169.271 Prohibited contributions; violation; penalty.

Sec. 71. (1) A contribution shall not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) A candidate committee shall not make a contribution to another candidate committee. This subsection does not prohibit the purchase of tickets to another candidate committee's fund-raising event that does not exceed $100.00 per candidate committee in any calendar year. A person who knowingly violates this section is guilty of a misdemeanor and shall be punishable by a fine of not more than $1,000.00, or imprisonment for not more than 90 days, or both.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1994, Act 411, Imd. Eff. Dec. 29, 1994.

169.281 Repeal of MCL 168.901 to 168.929; effective date.

Sec. 81. (1) Sections 901 to 929 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.901 to 168.929 of the Compiled Laws of 1970, are repealed.

(2) Subsection (1) shall not take effect until June 1, 1977.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976.

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169.282 Application of penalty provisions; payment of late filing fee; expenditure of $200.00 or more as contribution to ballot question committee; penalty or late filing fee; effective date of MCL 169.235.

Sec. 82. (1) The penalty provisions of this act shall not apply to an act or omission occurring before December 1, 1977 except that a late filing fee shall not be due or payable for an act or omission occurring before May 16, 1978 provided the act or omission is corrected before May 16, 1978. If a late filing fee has been paid before that date, it shall be returned by the person who collected the late filing fee upon written request of the person who paid the late filing fee.

(2) A penalty or late filing fee imposed pursuant to section 24, 34, or 35 shall neither be enforceable nor due or payable as a result of a person making expenditures of $200.00 or more as a contribution to a ballot question committee before October 15, 1981. If a person has paid a late filing fee as a result of an expenditure of $200.00 or more as a contribution to a ballot question committee before July 1, 1981, the late filing fee imposed pursuant to section 24, 34, or 35 shall be returned by the person who collected the late filing fee upon written request of the person who paid it.

(3) Section 35 shall not take effect until June 30, 1978.

History: 1976, Act 388, Imd. Eff. Dec. 30, 1976;—Am. 1978, Act 193, Imd. Eff. June 4, 1978;—Am. 1981, Act 102, Imd. Eff. July 16, 1981.

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