A bill to amend 1976 PA 388, entitled "Michigan campaign finance act,"

by amending section 57 (MCL 169.257), as amended by 2015 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 SUBJECT TO SUBSECTION (3), 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, MEETINGS OF A PUBLIC BODY, 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 ACTIVITY OTHERWISE PERMITTED UNDER SUBSECTION (1)(C) TO (F), AND 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 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—OR television ADVERTISEMENT, 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 WILL APPEAR on the ballot.

AS USED IN THIS SUBSECTION, "COMMUNICATION" DOES NOT INCLUDE:

(A) THE LANGUAGE OF A LOCAL BALLOT QUESTION.

(B) THE DATE OF AN ELECTION.

(C) A DISCUSSION OF A LOCAL BALLOT QUESTION DURING A MEETING OF A PUBLIC BODY, INCLUDING A MEETING THAT IS BROADCAST USING A PUBLIC ACCESS MEDIUM, PROVIDED THAT BOTH PROONENTS AND OPPONENTS OF THE LOCAL BALLOT QUESTION HAVE AN EQUAL OPPORTUNITY TO DISCUSS THE LOCAL BALLOT QUESTION.

(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.