

# SENATE BILL No. 1250

November 29, 2018, Introduced by Senator ROBERTSON and referred to the Committee on Elections and Government Reform.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending the title and sections 3, 15, 16, 17, 18, 18a, 21, 22, 24, 26, 30, 33, 36, 46, 51, 55, 57, 63, 64, 65, and 69 (MCL 169.203, 169.215, 169.216, 169.217, 169.218, 169.218a, 169.221, 169.222, 169.224, 169.226, 169.230, 169.233, 169.236, 169.246, 169.251, 169.255, 169.257, 169.263, 169.264, 169.265, and 169.269), the title as amended by 1994 PA 385, sections 3, 17, 24, 26, 33, 51, and 55 as amended by 2017 PA 119, sections 15, 21, and 57 as amended by 2015 PA 269, section 16 as amended by 2017 PA 184, section 18 as amended by 2013 PA 258, section 18a as added by 2013 PA 259, section 22 as amended by 1999 PA 237, section 30 as added by 1997 PA 71, section 36 as amended by 2012 PA 277, sections 46 and 69 as amended by 2013 PA 252, and sections 64 and 65 as amended by 1993 PA 262, and by adding section 15a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## 1 TITLE

2 An act to regulate political activity; to regulate campaign  
3 financing; to restrict campaign contributions and expenditures; to  
4 require campaign statements and reports; to regulate anonymous  
5 contributions; to regulate campaign advertising and literature; to  
6 provide for segregated funds for political purposes; to provide for  
7 the use of public funds for political purposes; to create certain  
8 funds; to provide for reversion, retention, or refunding of  
9 unexpended balances in certain funds; to require other statements  
10 and reports; to regulate acceptance of certain gifts, payments, and  
11 reimbursements; **TO CREATE THE FAIR POLITICAL PRACTICES COMMISSION;**  
12 **TO PRESCRIBE THE POWERS AND DUTIES OF THE FAIR POLITICAL PRACTICES**  
13 **COMMISSION;** to prescribe the powers and duties of certain state  
14 departments and state and local officials and employees; to provide  
15 appropriations; to prescribe penalties and provide remedies; and to  
16 repeal certain acts and parts of acts.

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

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

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

24 (c) Receives a contribution, makes an expenditure, or gives  
25 consent for another person to receive a contribution or make an  
26 expenditure with a view to bringing about the individual's

1 nomination or election to an elective office, whether or not the  
2 specific elective office for which the individual will seek  
3 nomination or election is known at the time the contribution is  
4 received or the expenditure is made.

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

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

12 For purposes of sections 61 to 71, "candidate" only means, in  
13 a primary election, a candidate for the office of governor and, in  
14 a general election, a candidate for the office of governor or  
15 lieutenant governor. However, the candidates for the office of  
16 governor and lieutenant governor of the same political party in a  
17 general election are considered as 1 candidate.

18 (2) "Candidate committee" means the committee designated in a  
19 candidate's filed statement of organization as that individual's  
20 candidate committee. A candidate committee must be under the  
21 control and direction of the candidate named in the same statement  
22 of organization. Notwithstanding subsection ~~(4)~~, (5), an individual  
23 shall form a candidate committee under section 21 if the individual  
24 becomes a candidate under subsection (1).

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

27 (4) **"COMMISSION" MEANS THE FAIR POLITICAL PRACTICES COMMISSION**

1 **CREATED IN SECTION 15A.**

2 (5) ~~(4)~~—"Committee" means a person that receives contributions  
3 or makes expenditures for the purpose of influencing or attempting  
4 to influence the action of the voters for or against the nomination  
5 or election of a candidate, the qualification, passage, or defeat  
6 of a ballot question, or the qualification of a new political  
7 party, if contributions received total \$500.00 or more in a  
8 calendar year or expenditures made total \$500.00 or more in a  
9 calendar year. Except as restricted or prohibited by this act or  
10 other state or federal law, a committee may also make other lawful  
11 disbursements. An individual, other than a candidate, does not  
12 constitute a committee. A person, other than a committee registered  
13 under this act, making an expenditure to a ballot question  
14 committee or an independent expenditure committee, shall not, for  
15 that reason, be considered a committee or be required to file a  
16 report for the purposes of this act unless the person solicits or  
17 receives contributions for the purpose of making an expenditure to  
18 that ballot question committee or independent expenditure  
19 committee.

20 Sec. 15. (1) The ~~secretary of state~~ **COMMISSION** shall do all of  
21 the following:

22 (a) Make available through ~~his or her~~ **THE COMMISSION** offices,  
23 and furnish to county clerks, appropriate forms, instructions, and  
24 manuals required by this act.

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

1 clerks of the counties.

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

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

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

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

14 (i) The incapacitating physical illness, hospitalization,  
15 accident involvement, death, or incapacitation for medical reasons  
16 of a ~~person~~ **AN INDIVIDUAL** required to file, a ~~person~~ **AN INDIVIDUAL**  
17 whose participation is essential to the preparation of the  
18 statement or report, or a member of the immediate family of these  
19 ~~persons~~ **INDIVIDUALS**.

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

1           (2) ~~A-THE COMMISSION SHALL ONLY ISSUE A~~ declaratory ruling  
2 ~~shall be issued under this section only~~ if the person requesting  
3 the ruling has provided a reasonably complete statement of facts  
4 necessary for the ruling or if the person requesting the ruling  
5 has, with the permission of the ~~secretary of state,~~ **COMMISSION,**  
6 supplied supplemental facts necessary for the ruling. ~~A-THE~~  
7 **COMMISSION SHALL MAKE A** request for a declaratory ruling that is  
8 submitted to the ~~secretary of state shall be made~~ **COMMISSION**  
9 available for public inspection within 48 hours after ~~its receipt.~~  
10 **THE COMMISSION RECEIVES THE REQUEST.** An interested person may  
11 submit written comments regarding the request to the ~~secretary of~~  
12 ~~state~~ **COMMISSION** within 10 business days after the date the request  
13 is made available to the public. Within 45 business days after  
14 receiving a declaratory ruling request, the ~~secretary of state~~  
15 **COMMISSION** shall make a proposed response available to the public.  
16 An interested person may submit written comments regarding the  
17 proposed response to the ~~secretary of state~~ **COMMISSION** within 5  
18 business days after the date the proposal is made available to the  
19 public. Except as otherwise provided in this section, the ~~secretary~~  
20 ~~of state~~ **COMMISSION** shall issue a declaratory ruling within 60  
21 business days after a request for a declaratory ruling is received.  
22 If the ~~secretary of state~~ **COMMISSION** refuses to issue a declaratory  
23 ruling, the ~~secretary of state~~ **COMMISSION** shall notify the person  
24 making the request of the reasons for the refusal and shall issue  
25 an interpretative statement providing an informational response to  
26 the question presented within the same time limitation applicable  
27 to a declaratory ruling. A declaratory ruling or interpretative

1 statement issued under this section ~~shall~~**MUST** not state a general  
2 rule of law, other than that which is stated in this act, until the  
3 general rule of law is promulgated by the ~~secretary of state~~  
4 **COMMISSION** as a rule under the administrative procedures act of  
5 1969, 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

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

14 (4) The ~~secretary of state~~**COMMISSION** shall make available to  
15 the public an annual summary of the declaratory rulings and  
16 interpretative statements issued by the ~~secretary of~~  
17 ~~state~~**COMMISSION**.

18 (5) A person may file with the ~~secretary of state~~**COMMISSION** a  
19 complaint that alleges a violation of this act. Within 5 business  
20 days after a complaint that meets the requirements of subsection  
21 (6) is filed, the ~~secretary of state~~**COMMISSION** shall give notice  
22 to the person against whom the complaint is filed. The notice ~~shall~~  
23 **MUST** include a copy of the complaint. Within 15 business days after  
24 this notice is mailed, the person against whom the complaint was  
25 filed may submit a response to the ~~secretary of state~~**COMMISSION**.  
26 The ~~secretary of state~~**COMMISSION** may extend the period for  
27 submitting a response an additional 15 business days for good

1 cause. The ~~secretary of state~~ **COMMISSION** shall provide a copy of a  
2 response received to the complainant. Within 10 business days after  
3 the response is mailed, the complainant may submit a rebuttal  
4 statement to the ~~secretary of state~~ **COMMISSION**. The ~~secretary of~~  
5 ~~state~~ **COMMISSION** may extend the period for submitting a rebuttal  
6 statement an additional 10 business days for good cause. The  
7 ~~secretary of state~~ **COMMISSION** shall provide a copy of the rebuttal  
8 statement to the person against whom the complaint was filed.

9 (6) A complaint filed under subsection (5) ~~shall~~ **MUST** satisfy  
10 all of the following requirements:

11 (a) Be signed by the complainant.

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

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

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

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

6 (9) The ~~secretary of state~~ **COMMISSION** shall investigate the  
7 allegations under the rules promulgated under this act. If the  
8 violation involves **A MEMBER OF** the ~~secretary of state~~, **COMMISSION**,  
9 the immediate family of **A MEMBER OF** the ~~secretary of state~~,  
10 **COMMISSION**, or a campaign or committee with which **A MEMBER OF** the  
11 ~~secretary of state~~ **COMMISSION** is connected, directly or indirectly,  
12 the ~~secretary of state~~ **COMMISSION** shall refer the matter to the  
13 attorney general to determine whether a violation of this act has  
14 occurred.

15 (10) No later than 45 business days after receipt of a  
16 rebuttal statement submitted under subsection (5), or if no  
17 response or rebuttal is received under subsection (5), the  
18 ~~secretary of state~~ **COMMISSION** shall post on the ~~secretary of~~  
19 ~~state's Internet~~ **COMMISSION'S INTERNET** website whether or not there  
20 may be reason to believe that a violation of this act has occurred.  
21 When the ~~secretary of state~~ **COMMISSION** determines whether there may  
22 be reason to believe that a violation of this act occurred or did  
23 not occur or determines to terminate its proceedings, the ~~secretary~~  
24 ~~of state~~ **COMMISSION** shall, within 30 days of that determination,  
25 post on the ~~secretary of state's Internet~~ **COMMISSION'S INTERNET**  
26 website any complaint, response, or rebuttal statement received  
27 under subsection (5) regarding that violation or alleged violation

1 and any correspondence that is dispositive of that violation or  
2 alleged violation between the ~~secretary of state~~ **COMMISSION** and the  
3 complainant or the person against whom the complaint was filed. If  
4 the ~~secretary of state~~ **COMMISSION** determines that there may be  
5 reason to believe that a violation of this act occurred, the  
6 ~~secretary of state~~ **COMMISSION** shall endeavor to correct the  
7 violation or prevent a further violation by using informal methods  
8 such as a conference, conciliation, or persuasion, and may enter  
9 into a conciliation agreement with the person involved. Unless  
10 violated, a conciliation agreement is a complete bar to any further  
11 civil or criminal action with respect to matters covered in the  
12 conciliation agreement. The ~~secretary of state~~ **COMMISSION** shall,  
13 within 30 days after a conciliation agreement is signed, post that  
14 agreement on the ~~secretary of state's Internet~~ **COMMISSION'S**  
15 **INTERNET** website. If, after 90 business days, the ~~secretary of~~  
16 ~~state~~ **COMMISSION** is unable to correct or prevent further violation  
17 by these informal methods, the ~~secretary of state~~ **COMMISSION** shall  
18 do either of the following:

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

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

23 (11) The ~~secretary of state~~ **COMMISSION** may commence a hearing  
24 to determine whether a civil violation of this act has occurred.  
25 The hearing ~~shall~~ **MUST** be conducted in accordance with the  
26 procedures set forth in chapter 4 of the administrative procedures  
27 act of 1969, 1969 PA 306, MCL 24.271 to ~~24.287.~~ **24.288**. If after a

1 hearing the ~~secretary of state~~ **COMMISSION** determines that a  
2 violation of this act has occurred, the ~~secretary of state~~  
3 **COMMISSION** may issue an order requiring the person to pay a civil  
4 fine not more than triple the amount of the improper contribution  
5 or expenditure plus not more than \$1,000.00 for each violation.

6 (12) A final decision and order issued by the ~~secretary of~~  
7 ~~state~~ **COMMISSION** is subject to judicial review as provided by  
8 chapter 6 of the administrative procedures act of 1969, 1969 PA  
9 306, MCL 24.301 to 24.306. The ~~secretary of state~~ **COMMISSION** shall  
10 deposit a civil fine imposed under this section in the general  
11 fund. The ~~secretary of state~~ **COMMISSION** may bring an action in  
12 circuit court to recover the amount of a civil fine.

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

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

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

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

9 (a) Pay to the ~~secretary of state~~ **COMMISSION** some or all of  
10 the expenses incurred by the ~~secretary of state~~ **COMMISSION** as a  
11 direct result of the filing of the complaint.

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

16 (17) Except as otherwise provided in section 57, there is no  
17 private right of action, either in law or in equity, under this  
18 act. Except as otherwise provided in section 57, the remedies  
19 provided in this act are the exclusive means by which this act may  
20 be enforced and by which any harm resulting from a violation of  
21 this act may be redressed. **A PERSON SHALL NOT BRING OR MAINTAIN AN  
22 ACTION TO COLLECT A FINE OR FEE IMPOSED UNDER THIS ACT UNLESS THE  
23 PERSON COMMENCES THE ACTION WITHIN 5 YEARS AFTER THE VIOLATION OF  
24 THIS ACT OCCURS.** The criminal penalties provided by this act may  
25 only be enforced by the attorney general and only upon referral by  
26 the ~~secretary of state~~ **COMMISSION** as provided under subsection (10)  
27 or (13).

1           (18) The ~~secretary of state~~ **COMMISSION** may waive the filing of  
2 a campaign statement required under section 33, 34, or 35 if the  
3 closing date of the particular campaign statement falls on the same  
4 or a later date as the closing date of the next campaign statement  
5 filed by the same person, or if the period that would be otherwise  
6 covered by the next campaign statement filed by the same person is  
7 10 days or less.

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

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

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

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

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

20           **SEC. 15A. (1) THE FAIR POLITICAL PRACTICES COMMISSION IS**  
21 **CREATED AS AN AUTONOMOUS ENTITY WITHIN THE DEPARTMENT OF STATE. THE**  
22 **COMMISSION SHALL EXERCISE ITS STATUTORY POWERS, DUTIES, FUNCTIONS,**  
23 **AND RESPONSIBILITIES INDEPENDENTLY OF THE DEPARTMENT OF STATE**  
24 **INCLUDING, BUT NOT LIMITED TO, PERSONNEL, BUDGETING, PROCUREMENT,**  
25 **AND MANAGEMENT-RELATED FUNCTIONS.**

26           **(2) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS, NOT MORE**  
27 **THAN 3 OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY:**

1 (A) THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST  
2 SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY  
3 WHOSE CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE HIGHEST  
4 NUMBER OF VOTES AT THE IMMEDIATELY PRECEDING GENERAL ELECTION IN  
5 WHICH A GOVERNOR WAS ELECTED.

6 (B) THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST  
7 SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY  
8 WHOSE CANDIDATE FOR THE OFFICE OF GOVERNOR RECEIVED THE SECOND  
9 HIGHEST NUMBER OF VOTES AT THE IMMEDIATELY PRECEDING GENERAL  
10 ELECTION IN WHICH A GOVERNOR WAS ELECTED.

11 (3) THE GOVERNOR SHALL APPOINT MEMBERS TO THE COMMISSION  
12 WITHIN 30 DAYS AFTER RECEIVING THE LISTS UNDER SUBSECTION (2) (A)  
13 AND (B).

14 (4) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF 4 YEARS  
15 OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER. A MEMBER OF  
16 THE COMMISSION MAY BE REAPPOINTED. HOWEVER, AFTER SERVING 2  
17 CONSECUTIVE TERMS ON THE COMMISSION, THE INDIVIDUAL IS NOT ELIGIBLE  
18 TO SERVE ON THE COMMISSION FOR 4 YEARS.

19 (5) AN INDIVIDUAL MAY NOT SERVE AS A MEMBER OF THE COMMISSION  
20 IF ANY OF THE FOLLOWING APPLY:

21 (A) THE INDIVIDUAL IS NOT A QUALIFIED AND REGISTERED ELECTOR  
22 OF THIS STATE.

23 (B) THE INDIVIDUAL HOLDS AN ELECTIVE OFFICE.

24 (C) THE INDIVIDUAL IS A CANDIDATE FOR ELECTIVE OFFICE.

25 (D) THE INDIVIDUAL IS A TREASURER, CAMPAIGN MANAGER, OR PAID  
26 EMPLOYEE OF EITHER A CANDIDATE COMMITTEE OR A CANDIDATE FOR PUBLIC  
27 OFFICE.

1 (E) THE INDIVIDUAL IS A LOBBYIST OR LOBBYIST AGENT UNDER 1978  
2 PA 472, MCL 4.411 TO 4.431.

3 (6) A MEMBER OF THE COMMISSION SHALL NOT DO EITHER OF THE  
4 FOLLOWING WHILE A MEMBER OF THE COMMISSION:

5 (A) MAKE A CONTRIBUTION TO ANY PERSON THAT IS SUBJECT TO THE  
6 COMMISSION'S JURISDICTION.

7 (B) SOLICIT A CONTRIBUTION FOR ANY PERSON THAT IS SUBJECT TO  
8 THE COMMISSION'S JURISDICTION.

9 (7) A MEMBER OF THE COMMISSION IS SUBJECT TO 1968 PA 317, MCL  
10 15.321 TO 15.330, AND 1968 PA 318, MCL 15.301 TO 15.310.

11 (8) A MEMBER OF THE COMMISSION SHALL TAKE AND SUBSCRIBE TO THE  
12 CONSTITUTIONAL OATH OF OFFICE UNDER SECTION 1 OF ARTICLE XI OF THE  
13 STATE CONSTITUTION OF 1963.

14 (9) IF A VACANCY OCCURS ON THE COMMISSION, THE GOVERNOR SHALL  
15 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS  
16 THE ORIGINAL APPOINTMENT.

17 (10) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR  
18 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
19 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

20 (11) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY  
21 THE GOVERNOR. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM  
22 AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS  
23 NECESSARY OR APPROPRIATE. EVERY 2 YEARS AFTER THE FIRST MEETING,  
24 THE POSITION OF CHAIRPERSON MUST ALTERNATE BETWEEN MEMBERS  
25 APPOINTED UNDER SUBSECTION (2) (A) AND THE MEMBERS APPOINTED UNDER  
26 SUBSECTION (2) (B). AFTER THE FIRST MEETING, THE COMMISSION SHALL  
27 MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE

1 CHAIRPERSON OR IF REQUESTED BY A MAJORITY OF THE MEMBERS.

2 (12) FOUR MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM FOR  
3 THE TRANSACTION OF BUSINESS AT A MEETING OF THE COMMISSION. FOUR  
4 MEMBERS OF THE COMMISSION PRESENT AND SERVING ARE REQUIRED FOR  
5 OFFICIAL ACTION OF THE COMMISSION.

6 (13) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE  
7 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE  
8 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

9 (14) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
10 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL  
11 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,  
12 MCL 15.231 TO 15.246.

13 (15) A MEMBER OF THE COMMISSION MAY BE REIMBURSED FOR HIS OR  
14 HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF  
15 HIS OR HER OFFICIAL DUTIES AS A MEMBER OF THE COMMISSION. A MEMBER  
16 OF THE COMMISSION SHALL RECEIVE \$75.00 FOR EACH DAY'S ACTUAL  
17 PHYSICAL ATTENDANCE AT A MEETING OF THE COMMISSION. A MEMBER OF THE  
18 COMMISSION SHALL NOT RECEIVE ANY OTHER COMPENSATION FOR THE  
19 PERFORMANCE OF THOSE DUTIES.

20 (16) THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

21 (A) ADMINISTER AND ENFORCE THIS ACT.

22 (B) EXERCISE THE POWERS AND DUTIES CONFERRED ON THE COMMISSION  
23 BY STATUTE.

24 (17) THE COMMISSION MAY HIRE AN EXECUTIVE DIRECTOR AND ANY  
25 STAFF REQUIRED TO EXERCISE ITS POWERS AND DUTIES PRESCRIBED BY LAW.

26 Sec. 16. (1) A filing official shall make a statement or  
27 report required to be filed under this act available for public

1 inspection and reproduction, as soon as practicable, but not later  
2 than the third business day following the day on which it is  
3 received, during regular business hours of the filing official. If  
4 the report is a report of a late contribution under section 32(1)  
5 made to the ~~secretary of state~~, **COMMISSION**, the ~~secretary of state~~  
6 **COMMISSION** shall also make the report or all of the contents of the  
7 report available to the public on the internet, without charge, as  
8 soon as practicable but not later than the end of the business day  
9 on which it is received, at a single website established and  
10 maintained by the ~~secretary of state~~. **COMMISSION**.

11 (2) A **FILING OFFICIAL SHALL PROVIDE A** copy of a statement or  
12 part of a statement ~~shall be provided by a filing official at a~~  
13 reasonable charge.

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

16 (4) Except as otherwise provided in this subsection, a  
17 statement of organization filed under this act with a filing  
18 official who is not the ~~secretary of state~~ shall **COMMISSION MUST** be  
19 preserved by that filing official for 5 years from the official  
20 date of the committee's dissolution. A statement of organization  
21 filed under this act with a filing official who is not the  
22 ~~secretary of state~~ **COMMISSION** that is filed by a committee that  
23 received more than \$50,000.00 in an election cycle ~~shall~~ **MUST** be  
24 preserved by that filing official for 15 years from the official  
25 date of the committee's dissolution. A statement of organization  
26 filed under this act with the ~~secretary of state~~ shall **COMMISSION**  
27 **MUST** be preserved by the ~~secretary of state~~ **COMMISSION** for 15 years

1 from the official date of the committee's dissolution. Except as  
2 otherwise provided in this subsection, any other statement or  
3 report filed under this act with a filing official who is not the  
4 ~~secretary of state shall~~ **COMMISSION MUST** be preserved by that  
5 filing official for 5 years from the date the filing occurred. Any  
6 other statement or report filed under this act with a filing  
7 official who is not the ~~secretary of state~~ **COMMISSION** that is filed  
8 by a committee that received more than \$50,000.00 in an election  
9 cycle ~~shall~~ **MUST** be preserved by that filing official for 15 years  
10 from the date the filing occurred. Any other statement or report  
11 filed under this act with the ~~secretary of state shall~~ **COMMISSION**  
12 **MUST** be preserved by the ~~secretary of state~~ **COMMISSION** for 15 years  
13 from the date the filing occurred. Upon a determination under  
14 section 15 that a violation of this act has occurred, all  
15 complaints, orders, decisions, or other documents related to that  
16 violation ~~shall~~ **MUST** be preserved by the filing official who is not  
17 the ~~secretary of state~~ **COMMISSION** or the ~~secretary of state~~  
18 **COMMISSION** for 15 years from the date of the court determination or  
19 the date the violations are corrected, whichever is later.  
20 Statements and reports filed under this act may be reproduced  
21 pursuant to the records reproduction act, 1992 PA 116, MCL 24.401  
22 to 24.406. After the required preservation period, the statements  
23 and reports, or the reproductions of the statements and reports,  
24 may be disposed of in the manner prescribed in the management and  
25 budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and section 11 of  
26 the Michigan history center act, 2016 PA 470, MCL 399.811.

27 (5) A filing official shall not collect a charge for the

1 filing of a required statement or report or for a form upon which  
2 the statement or report is to be prepared, except a late filing fee  
3 required by this act.

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

17 (7) Within 9 business days after the report or statement is  
18 required to be filed, the filer shall make any corrections in the  
19 statement or report filed with the appropriate filing official. If  
20 the report or statement was not filed, then the report or statement  
21 ~~shall~~**MUST** be late filed within 9 business days after the time it  
22 was required to be filed and ~~shall be~~**IS** subject to late filing  
23 fees.

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

1 (9) A statement or report required to be filed under this act  
2 ~~shall~~**MUST** be filed not later than 5 p.m. of the day in which it is  
3 required to be filed. A preelection statement or report due on July  
4 25 or October 25 under section 33 that is postmarked by registered  
5 or certified mail, or sent by express mail or other overnight  
6 delivery service, at least 2 days before the deadline for filing is  
7 filed within the prescribed time regardless of when it is actually  
8 delivered. Any other statement or report required to be filed under  
9 this act that is postmarked by registered or certified mail or sent  
10 by express mail or other overnight delivery service on or before  
11 the deadline for filing is filed within the prescribed time  
12 regardless of when it is actually delivered.

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

17 (2) The late filing fees collected under sections 24, 33, 34,  
18 35, and 51, and copying charges collected under section 16, must be  
19 retained by and for the use of the filing officials collecting the  
20 fees or charges to cover their expenses in administering this act.  
21 A late filing fee assessed by a county clerk that remains unpaid  
22 for more than 60 days is considered a debt of the county, and the  
23 county treasurer shall collect that fee in the same manner as other  
24 county debts are collected. A late filing fee assessed by the  
25 ~~secretary of state~~**COMMISSION** that remains unpaid for more than 180  
26 days must be referred to the department of treasury for collection.

27 (3) A committee, other than a candidate committee or a

1 committee making expenditures in assistance of or in opposition to  
2 the qualification, passage, or defeat of a ballot question,  
3 required to file with the ~~secretary of state~~ **COMMISSION** is not  
4 required to pay a late filing fee under sections 24, 33, 34, and  
5 35, if all of the following conditions are met:

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

8 (b) The ~~secretary of state~~ **COMMISSION** sends to that committee  
9 notice of the committee's failure to file a statement of  
10 organization.

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

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

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

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

26 (5) A committee other than a candidate committee that has not  
27 previously filed a statement of organization is not required to pay

1 a late filing fee under sections 24, 33, 34, and 35, if the  
2 committee files a statement of organization and every campaign  
3 statement that is due, before the ~~secretary of state~~ **COMMISSION**  
4 sends a notice to that committee under subsection (3).

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

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

16       (3) Beginning with the annual campaign statement due January  
17 31, 2014, each committee required to file with the ~~secretary of~~  
18 ~~state~~ **COMMISSION** that received or expended \$5,000.00 or more in the  
19 preceding calendar year or expects to receive or expend \$5,000.00  
20 or more in the current calendar year shall electronically file all  
21 statements and reports required under this act, as described in  
22 subsection (1).

23       (4) If a committee was not required to file a campaign  
24 statement under subsection (3) only because it did not meet the  
25 applicable threshold of receiving or expending \$5,000.00 or more,  
26 but the committee later reaches that threshold, the committee shall  
27 notify the ~~secretary of state~~ **COMMISSION** within 10 business days

1 after reaching that threshold and shall subsequently file  
2 electronically all statements and reports required under this act.

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

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

21 (2) A county clerk who adopts a system under subsection (1)  
22 may require each committee that received or expended the threshold  
23 amount set by the county clerk as provided in this subsection in  
24 the preceding calendar year or expects to receive or expend the  
25 threshold amount set by the county clerk in the current calendar  
26 year to file campaign statements or reports electronically. A  
27 county clerk shall set the threshold under this subsection at

1 \$5,000.00 or \$1,500.00.

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

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

17 Sec. 21. (1) A candidate, within 10 days after becoming a  
18 candidate, shall form a candidate committee. ~~A person~~ **AN INDIVIDUAL**  
19 who is a candidate for more than 1 office shall form a candidate  
20 committee for each office for which the ~~person~~ **INDIVIDUAL** is a  
21 candidate, if at least 1 of the offices is a state elective office.  
22 A candidate shall not form more than 1 candidate committee for each  
23 office for which the ~~person~~ **INDIVIDUAL** is a candidate.

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

27 (3) A committee other than a candidate committee shall have a

1 treasurer who is a qualified elector of this state if the committee  
2 conducts business through an office or other facility located in  
3 this state.

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

15 (5) If the ~~secretary of state~~**COMMISSION** or designated agent  
16 of the ~~secretary of state~~**COMMISSION** is served with legal process  
17 ~~pursuant to~~**UNDER** subsection (4), the ~~secretary of state~~**COMMISSION**  
18 shall promptly notify the committee's treasurer by certified mail  
19 at the last known address of the committee shown on the committee's  
20 statement of organization.

21 (6) Except as provided by law, a candidate committee or a  
22 committee described in subsection (3) shall have 1 account in a  
23 financial institution in this state as an official depository for  
24 the purpose of depositing all contributions received by the  
25 committee in the form of or which are converted to money, checks,  
26 or other negotiable instruments and for the purpose of making all  
27 expenditures. The committee shall designate that financial

1 institution as its official depository. The establishment of an  
2 account in a financial institution is not required until the  
3 committee receives a contribution or makes an expenditure.

4 Secondary depositories ~~shall~~**MUST** be used for the sole purpose of  
5 depositing contributions and promptly transferring the deposits to  
6 the committee's official depository.

7 (7) Except as provided by law, a committee described in  
8 subsection (4) shall have 1 account in a financial institution as  
9 its official depository for the purpose of depositing all  
10 contributions received by the committee in the form of or which are  
11 converted to money, checks, or other negotiable instruments and for  
12 the purpose of making all expenditures. The committee shall  
13 designate that financial institution as its official depository.  
14 The establishment of an account in a financial institution is not  
15 required until the committee receives a contribution or makes an  
16 expenditure. Secondary depositories ~~shall~~**MUST** be used only for the  
17 purposes of depositing contributions and promptly transferring the  
18 deposits to the committee's official depository, or depositing,  
19 dividing, and transferring contributions that are aggregated with  
20 dues or other payments.

21 (8) A **COMMITTEE SHALL NOT ACCEPT A** contribution ~~shall not be~~  
22 ~~accepted and~~**OR MAKE** an expenditure ~~shall not be made by a~~  
23 ~~committee~~**IF** that **COMMITTEE** does not have a treasurer. When the  
24 office of treasurer in a candidate committee is vacant, the  
25 candidate ~~shall be~~**IS** the treasurer until the candidate appoints a  
26 new treasurer.

27 (9) ~~An~~**A COMMITTEE SHALL NOT MAKE AN** expenditure ~~shall not be~~

1 ~~made by a committee~~ without the authorization of the treasurer or  
2 the treasurer's designee. The contributions received or  
3 expenditures made by a candidate or an agent of a candidate are  
4 considered received or made by the candidate committee.

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

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

15 (12) Contributions received by a committee ~~shall~~**MUST** not be  
16 commingled with other funds of an agent of the committee or of any  
17 other person. Contributions are not considered to be commingled if  
18 that contribution is either of the following:

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

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

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

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

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

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

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

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

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

25 Sec. 24. (1) A committee shall file a statement of  
26 organization with the filing officials designated in section 36 to  
27 receive the committee's campaign statements. A committee shall file

1 a statement of organization within 10 days after the committee is  
2 formed. A filing official shall maintain a statement of  
3 organization filed by a committee until 5 years after the official  
4 date of the committee's dissolution. A person who fails to file a  
5 statement of organization required by this subsection shall pay a  
6 late filing fee of \$10.00 for each business day the statement  
7 remains not filed in violation of this subsection. The late filing  
8 fee must not exceed \$300.00. A person who violates this subsection  
9 by failing to file for more than 30 days after a statement of  
10 organization is required to be filed is guilty of a misdemeanor  
11 punishable by a fine of not more than \$1,000.00.

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

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

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

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

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

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

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

14 (3) An independent committee or political committee shall  
15 include in the name of the committee the name of the person or  
16 persons that sponsor the committee, if any, or with whom the  
17 committee is affiliated. A person, other than an individual or a  
18 committee, sponsors or is affiliated with an independent committee  
19 or political committee if that person establishes, directs,  
20 controls, or financially supports the administration of the  
21 committee. For the purposes of this subsection, a person does not  
22 financially support the administration of a committee by merely  
23 making a contribution to the committee.

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

27 (5) When filing a statement of organization, a committee,

1 other than an independent committee, a political committee, or a  
2 political party committee, may indicate in a written statement  
3 signed by the treasurer of the committee that the committee does  
4 not expect for each election to receive an amount in excess of  
5 \$1,000.00 or expend an amount in excess of \$1,000.00. The treasurer  
6 of a committee of an incumbent judge or justice is considered to  
7 have made the statement required under this subsection following  
8 appointment or election of that judge or justice and is not  
9 required to file a written statement under this subsection  
10 indicating that the committee does not expect for each election to  
11 receive or expend an amount in excess of \$1,000.00.

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

17 (7) Upon the dissolution of a committee, the committee shall  
18 file a statement indicating dissolution with the filing officials  
19 with whom the committee's statement of organization was filed.  
20 Dissolution of a committee must be accomplished pursuant to rules  
21 promulgated by the ~~secretary of state~~ **COMMISSION** under the  
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
23 24.328.

24 (8) A candidate committee that files a written statement under  
25 subsection (5) or that is considered to have made a statement under  
26 subsection (5) is not required to file a dissolution statement  
27 under subsection (7) if the committee failed to receive or expend

1 an amount in excess of \$1,000.00 and 1 of the following applies:

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

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

6 (9) A political committee organized for the purpose of making  
7 independent expenditures formed before ~~the effective date of the~~  
8 ~~amendatory act that added this subsection~~ **SEPTEMBER 20, 2017** is  
9 considered an independent expenditure committee. The ~~secretary of~~  
10 ~~state~~ **COMMISSION** may amend the statement of organization for any  
11 committee affected by this subsection.

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

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

20 (b) Under the heading "receipts", the total amount of  
21 contributions received during the period covered by the campaign  
22 statement; under the heading "expenditures", the total amount of  
23 expenditures made during the period covered by the campaign  
24 statement; and the cumulative amount of those totals. Forgiveness  
25 of a loan must not be included in the totals. Payment of a loan by  
26 a third party must be recorded and reported as an in-kind  
27 contribution by the third party. In-kind contributions or

1 expenditures must be listed at fair market value and reported as  
2 both contributions and expenditures. A contribution or expenditure  
3 that is by other than completed and accepted payment, gift, or  
4 other transfer, that is clearly not legally enforceable, and that  
5 is expressly withdrawn or rejected and returned before a campaign  
6 statement closing date need not be included in the campaign  
7 statement and if included may, in a later or amended statement, be  
8 shown as a deduction, but the committee shall keep adequate records  
9 of each instance.

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

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

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

17 (ii) The total amount of all contributions.

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

19 (iv) The expenditures incident to the event.

20 (e) The full name of each individual from whom contributions  
21 are received during the period covered by the campaign statement,  
22 together with the individual's street address, the amount  
23 contributed, the date on which each contribution was received, and  
24 the cumulative amount contributed by that individual. The  
25 occupation, employer, and principal place of business must be  
26 stated if the individual's cumulative contributions are more than  
27 \$100.00. For contributions of \$5.00 or less by an individual to a

1 political committee or independent committee, the ~~secretary of~~  
2 ~~state~~-**COMMISSION** shall accept for filing any written communication  
3 from the political committee or independent committee that contains  
4 the information otherwise required under this subsection. Any  
5 written communication under this subdivision does not need to  
6 contain an original signature.

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

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

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

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

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

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

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

27           (4) For a reporting period in which a contribution is received

1 that is to be part of a bundled contribution or a reporting period  
2 in which a bundled contribution is delivered to the candidate  
3 committee of a candidate for statewide elective office, a bundling  
4 committee shall report to the ~~secretary of state,~~ **COMMISSION**, on a  
5 form provided by the ~~secretary of state,~~ **COMMISSION**, all of the  
6 following information, as applicable, about each contribution  
7 received or delivered as part of a bundled contribution, and about  
8 each bundled contribution delivered, in the reporting period:

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 30. (1) A committee shall not knowingly maintain receipt

1 of a contribution from a person prohibited from making a  
2 contribution during the prohibited period under section 7b of the  
3 Michigan gaming control and revenue act, ~~the Initiated Law of 1996,~~  
4 **1996 IL 1**, MCL 432.207b.

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

9 (a) The ~~secretary of state~~ **COMMISSION** has, by registered mail,  
10 notified the committee that the committee has received a  
11 contribution in violation of this section and has specifically  
12 identified that contribution.

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

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

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

27 (b) A postelection campaign statement must be filed not later

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

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

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

15 (ii) Not later than October 25 with a closing date of October  
16 20 of that year.

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

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

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

1 question.

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

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

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

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

14 (4) A house political party caucus committee or a senate  
15 political party caucus committee required to file with the  
16 ~~secretary of state~~ **COMMISSION** or a political party committee for a  
17 party attempting to qualify as a new political party under section  
18 685 of the Michigan election law, 1954 PA 116, MCL 168.685, shall  
19 file campaign statements as required by this act according to the  
20 following schedule:

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

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

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

27 (d) Not later than October 25 of each year with a closing date

1 of October 20 of that year.

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

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

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

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

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

15 (7) A committee, candidate, treasurer, or other individual  
16 designated as responsible for the committee's record keeping,  
17 report preparation, or report filing who fails to file a statement  
18 as required by this section shall pay a late filing fee. If the  
19 committee has raised \$10,000.00 or less during the previous 2  
20 years, the late filing fee is \$25.00 for each business day the  
21 statement remains unfiled, but not to exceed \$500.00. If the  
22 committee has raised more than \$10,000.00 during the previous 2  
23 years, the late filing fee must not exceed \$1,000.00, determined as  
24 follows:

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

27 (b) An additional \$25.00 for each business day after the first

1 3 business days the report remains unfiled.

2 (c) An additional \$50.00 for each business day after the first  
3 10 business days the report remains unfiled.

4 (8) If a candidate, treasurer, or other individual designated  
5 as responsible for the committee's record keeping, report  
6 preparation, or report filing fails to file 2 statements required  
7 by this section or section 35 and both of the statements remain  
8 unfiled for more than 30 days, that candidate, treasurer, or other  
9 designated individual is guilty of a misdemeanor punishable by a  
10 fine of not more than \$1,000.00 or imprisonment for not more than  
11 90 days, or both.

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

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

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

1 expenditures omitted or underreported, whichever is greater.

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

13 (13) Not more than 5 business days after seizure of money  
14 under subsection (12), the ~~secretary of state~~ **COMMISSION** shall  
15 deliver personally or by registered mail to the last known address  
16 of the candidate from whom the seizure was made an inventory  
17 statement of the money seized. The inventory statement must also  
18 contain notice to the effect that unless demand for hearing as  
19 provided in this section is made within 10 business days, the money  
20 is forfeited to this state. Within 10 business days after the date  
21 of service of the notice, the candidate may by registered mail,  
22 facsimile transmission, or personal service file with the ~~secretary~~  
23 ~~of state~~ **COMMISSION** a demand for a hearing before the ~~secretary of~~  
24 ~~state~~ **COMMISSION** or a person designated by the ~~secretary of state~~  
25 **COMMISSION** for a determination as to whether the money was lawfully  
26 subject to seizure and forfeiture. The candidate is entitled to  
27 appear before the ~~secretary of state~~ **COMMISSION** or a person

1 designated by the ~~secretary of state~~, **COMMISSION**, to be represented  
2 by counsel, and to present testimony and argument. Upon receipt of  
3 a request for hearing, the ~~secretary of state~~ **COMMISSION** or a  
4 person designated by the ~~secretary of state~~ **COMMISSION** shall hold  
5 the hearing within 15 business days. The hearing is not a contested  
6 case proceeding and is not subject to the administrative procedures  
7 act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After the hearing,  
8 the ~~secretary of state~~ **COMMISSION** or a person designated by the  
9 ~~secretary of state~~ **COMMISSION** shall render a decision in writing  
10 within 10 business days of the hearing and, by order, shall either  
11 declare the money subject to seizure and forfeiture or declare the  
12 money returnable to the candidate. If, within 10 business days  
13 after the date of service of the inventory statement, the candidate  
14 does not file with the ~~secretary of state~~ **COMMISSION** a demand for a  
15 hearing before the ~~secretary of state~~ **COMMISSION** or a person  
16 designated by the ~~secretary of state~~, **COMMISSION**, the money seized  
17 is forfeited to this state by operation of law. If, after a hearing  
18 before the ~~secretary of state~~ **COMMISSION** or a person designated by  
19 the ~~secretary of state~~, **COMMISSION**, the ~~secretary of state~~  
20 **COMMISSION** or a person designated by the ~~secretary of state~~  
21 **COMMISSION** determines that the money is lawfully subject to seizure  
22 and forfeiture and the candidate does not appeal to the circuit  
23 court of the county in which the seizure was made within the time  
24 prescribed in this section, the money seized is forfeited to this  
25 state by operation of law. If a candidate is aggrieved by the  
26 decision of the ~~secretary of state~~ **COMMISSION** or a person  
27 designated by the ~~secretary of state~~, **COMMISSION**, that candidate

1 may appeal to the circuit court of the county where the seizure was  
2 made to obtain a judicial determination of the lawfulness of the  
3 seizure and forfeiture. The action must be commenced within 20 days  
4 after notice of a determination by the ~~secretary of state~~  
5 **COMMISSION** or a person designated by the ~~secretary of state~~  
6 **COMMISSION** is sent to the candidate. The court shall hear the  
7 action and determine the issues of fact and law involved in  
8 accordance with rules of practice and procedure as in other in rem  
9 proceedings.

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

16       (2) A ballot question committee supporting or opposing a  
17 statewide ballot question shall file a copy of the campaign  
18 statement required under this act with the ~~secretary of state~~  
19 **COMMISSION** and with the clerk of the most populous county in the  
20 state. Except as otherwise provided in this subsection, a ballot  
21 question committee supporting or opposing a ballot question to be  
22 voted upon in more than 1 county, but not statewide, shall file a  
23 copy of the campaign statement required under this act with the  
24 clerk of the county in which the greatest number of registered  
25 voters eligible to vote on the ballot question reside. Except as  
26 otherwise provided in this subsection, a ballot question committee  
27 supporting or opposing a ballot question to be voted upon within a

1 single county shall file a copy of the campaign statement required  
2 under this act only with the clerk of that county. If a ballot  
3 question committee is registered with the ~~secretary of state~~  
4 **COMMISSION** and is supporting or opposing a nonstatewide ballot  
5 question, that ballot question committee is only required to file  
6 the campaign statement required under this act with the ~~secretary~~  
7 ~~of state.~~**COMMISSION.**

8 (3) A political party committee shall file a copy of the  
9 campaign statement required under this act with the ~~secretary of~~  
10 ~~state.~~**COMMISSION.** The ~~secretary of state~~**COMMISSION** shall  
11 reproduce a copy of the campaign statement of a political party  
12 committee that is a county committee and file the copy with the  
13 clerk of the county where the county committee operates.

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

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

25 (6) A committee not covered under subsection (1), (2), (3),  
26 (4), or (5) shall file a copy of the campaign statement required  
27 under this act with the ~~secretary of state,~~**COMMISSION,** except that

1 a committee reporting contributions or expenditures for a candidate  
2 within only 1 county shall file a statement only with the clerk of  
3 that county.

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

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

19 (2) Beginning January 1, 2019 and every 4 years thereafter,  
20 the ~~secretary of state~~ **COMMISSION** shall adjust the dollar value  
21 contribution limits provided in sections 52, 52a, and 69(1). The  
22 ~~secretary of state~~ **COMMISSION** shall adjust the limits in sections  
23 52, 52a, and 69(1) by comparing the percentage increase or decrease  
24 in the ~~consumer price index~~ **CONSUMER PRICE INDEX** for the preceding  
25 August by the corresponding ~~consumer price index~~ **CONSUMER PRICE**  
26 **INDEX** 4 years earlier. The ~~secretary of state~~ **COMMISSION** shall  
27 multiply that percentage change by the amounts in sections 52, 52a,

1 and 69(1). The ~~secretary of state~~ **COMMISSION** shall round up each  
2 dollar value adjustment made under this subsection to the nearest  
3 \$25.00. The ~~secretary of state~~ **COMMISSION** shall announce the  
4 adjustments made under this subsection by December 15 of each year.

5 (3) As used in this section, "~~consumer price index~~" **CONSUMER**  
6 **PRICE INDEX**" means the most comprehensive index of consumer prices  
7 available for the Detroit area from the ~~bureau of labor statistics~~  
8 **BUREAU OF LABOR STATISTICS** of the United States ~~department of~~  
9 ~~labor~~ **DEPARTMENT OF LABOR**.

10 Sec. 51. (1) A person, other than a committee, that makes an  
11 independent expenditure, advocating the election or defeat of a  
12 candidate or the qualification, passage, or defeat of a ballot  
13 question, in an amount of \$100.01 or more in a calendar year shall  
14 file a report of the independent expenditure, within 10 days after  
15 making that independent expenditure, with the clerk of the county  
16 of residence of that person. If the independent expenditure  
17 advocates the election or defeat of a candidate for state elective  
18 office or the qualification, passage, or defeat of a statewide  
19 ballot question, or if the person making the independent  
20 expenditure is not a resident of this state, the person shall file  
21 the report with the ~~secretary of state~~ **COMMISSION** in lieu of filing  
22 with a clerk of a county. The report required under this section  
23 must be made on an independent expenditure report form provided by  
24 the ~~secretary of state~~, **COMMISSION**, include the date of the  
25 expenditure, a brief description of the nature of the expenditure,  
26 the amount, the name and address of the person to whom it was paid,  
27 the name and address of the person filing the report, together with

1 the name, address, occupation, employer, and principal place of  
2 business of each person that contributed \$100.01 or more to the  
3 expenditure, and identify the candidate or ballot question for or  
4 against which the independent expenditure was made. The filing  
5 official receiving the report shall forward copies, as required, to  
6 the appropriate filing officers as described in section 36.

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

19 Sec. 55. (1) A connected organization may make an expenditure  
20 for the establishment or administration of, and solicitation,  
21 collection, or transfer of contributions to, a separate segregated  
22 fund to be used for political purposes. A separate segregated fund  
23 established by a connected organization under this section shall be  
24 organized as a political committee or an independent committee,  
25 and, in addition to any other disbursements not restricted or  
26 prohibited by law, shall only make contributions to, and  
27 expenditures on behalf of, candidate committees, ballot question

1 committees, political party committees, political committees,  
2 independent expenditure committees, independent committees, and  
3 other separate segregated funds.

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

8 (a) Stockholders of the corporation or company.

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

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

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

17 (a) Members of the corporation who are individuals.

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

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

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

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

26 (4) Contributions for a separate segregated fund established  
27 under this section by a labor organization may be solicited from

1 any of the following persons or their spouses:

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

3 (b) Officers or directors of the labor organization.

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

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

11 (6) Contributions must not be obtained for a separate  
12 segregated fund established under this section by use of coercion  
13 or physical force, by making a contribution a condition of  
14 employment or membership, or by using or threatening to use job  
15 discrimination or financial reprisals. A connected organization  
16 shall not solicit or obtain contributions for a separate segregated  
17 fund established under this section from an individual described in  
18 subsection (2), (3), (4), or (5) on an automatic or passive basis  
19 including but not limited to a payroll deduction plan or reverse  
20 checkoff method. A connected organization may solicit or obtain  
21 contributions for a separate segregated fund established under this  
22 section from an individual described in subsection (2), (3), (4),  
23 or (5) on an automatic basis, including but not limited to a  
24 payroll deduction plan, only if the individual who is contributing  
25 to the fund affirmatively consents to the contribution.

26 (7) A contribution by an individual to a separate segregated  
27 fund that is aggregated with a dues or other payment to the

1 connected organization may be collected by or made payable first to  
2 the connected organization for subsequent transfer to the separate  
3 segregated fund if all of the following occur:

4 (a) The individual making the contribution does either of the  
5 following:

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

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

21 (b) The connected organization transfers the entire specified  
22 amount of any designated contribution, individually or aggregated  
23 with other contributions, to the separate segregated fund  
24 electronically or by written instrument. Any transfer of designated  
25 contributions must be accompanied by or logically associated with a  
26 record or electronic record setting forth all information required  
27 under section 26 for each individual contributor whose contribution

1 is transferred.

2 (c) The connected organization accounts for any contributions  
3 under this subsection in a manner that documents all of the  
4 following:

5 (i) The identity of the individual contributor.

6 (ii) The date, amount, and method of receipt for each  
7 individual contribution.

8 (iii) The date, amount, and method of all transfers to the  
9 separate segregated fund.

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

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

19 (8) Except as otherwise provided in subsection (10), a person  
20 who knowingly violates this section is guilty of a felony  
21 punishable, if the person is an individual, by a fine of not more  
22 than \$5,000.00 or imprisonment for not more than 3 years, or both,  
23 or, if the person is not an individual, by a fine of not more than  
24 \$10,000.00.

25 (9) If a connected organization that obtains contributions for  
26 a separate segregated fund from individuals described in subsection  
27 (2), (3), (4), or (5) pays to 1 or more of those individuals a

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

6 (10) If a violation of this section results solely from the  
7 failure of a connected organization to transfer 1 or more  
8 contributions, that connected organization is not guilty of a  
9 felony as described in subsection (8), but shall notify the  
10 contributor of the failure to transfer the contribution and refund  
11 the full amount of the contribution to the contributor if  
12 requested. The penalties described in subsection (8) apply to any  
13 other violation of this section, including use or diversion of any  
14 contributions by a connected organization before those  
15 contributions are transferred to the separate segregated fund under  
16 subsection (7).

17 (11) As used in this section:

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

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

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

1 52(10).

2 (b) "Record" and "electronic record" mean those terms as  
3 defined in section 2 of the uniform electronic transactions act,  
4 2000 PA 305, MCL 450.832.

5 (c) "Written instrument" means a money order, or a check,  
6 cashier's check, or other negotiable instrument, as those terms are  
7 defined in section 3104 of the uniform commercial code, 1962 PA  
8 174, MCL 440.3104, in the name of the connected organization and  
9 payable to the separate segregated fund.

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

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

26 (b) ~~Subject to subsection (3), the~~ **THE** production or  
27 dissemination of factual information concerning issues relevant to

1 the function of the public body.

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

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

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

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

17 (2) If the ~~secretary of state~~ **COMMISSION** has dismissed a  
18 complaint filed under section 15(5) alleging that a public body or  
19 person acting for a public body used or authorized the use of  
20 public resources to establish or administer a payroll deduction  
21 plan to collect or deliver a contribution to, or make an  
22 expenditure for, a committee in violation of this section, or if  
23 the ~~secretary of state~~ **COMMISSION** enters into a conciliation  
24 agreement under section 15(10) that does not prevent a public body  
25 or a person acting for a public body to use or authorize the use of  
26 public resources to establish or administer a payroll deduction  
27 plan to collect or deliver a contribution to, or make an

1 expenditure for, a committee in violation of this section, the  
2 following apply:

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

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

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

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

26 ~~——(3) Except for an election official in the performance of his~~  
27 ~~or her duties under the Michigan election law, 1954 PA 116, MCL~~

1 ~~168.1 to 168.992, a public body, or a person acting for a public~~  
2 ~~body, shall not, during the period 60 days before an election in~~  
3 ~~which a local ballot question appears on a ballot, use public funds~~  
4 ~~or resources for a communication by means of radio, television,~~  
5 ~~mass mailing, or prerecorded telephone message if that~~  
6 ~~communication references a local ballot question and is targeted to~~  
7 ~~the relevant electorate where the local ballot question appears on~~  
8 ~~the ballot.~~

9 (3) ~~(4)~~A person who knowingly violates this section is guilty  
10 of a misdemeanor punishable, if the person is an individual, by a  
11 fine of not more than \$1,000.00 or imprisonment for not more than 1  
12 year, or both, or if the person is not an individual, by 1 of the  
13 following, whichever is greater:

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

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

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

24 (2) The ~~secretary of state~~**COMMISSION** shall promptly notify a  
25 candidate for nomination for governor when that candidate qualifies  
26 under this act to receive ~~moneys~~**MONEY** from the state campaign  
27 fund.

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

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

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

20           Sec. 64. (1) A candidate in a primary election may obtain  
21 ~~funds~~**MONEY** from the state campaign fund in an amount equal to  
22 \$2.00 for each \$1.00 of qualifying contribution if the candidate  
23 certifies to the ~~secretary of state~~**COMMISSION** both of the  
24 following:

25           (a) That the candidate committee of the candidate received  
26 \$75,000.00 or more of qualifying contributions.

27           (b) That the full name and address of each person making a

1 qualifying contribution is recorded by the candidate committee of  
2 the candidate certifying. This requirement is in addition to and  
3 not in lieu of any other requirements relating to the recording and  
4 reporting of contributions.

5 (2) A candidate is not entitled to ~~funds~~ **MONEY** from the state  
6 campaign fund for a primary election if it is determined the name  
7 of the candidate is ineligible to appear on the primary election  
8 ballot ~~pursuant to~~ **UNDER** section 53 of the Michigan election law,  
9 ~~Act No. 116 of the Public Acts of 1954, as amended, being section~~  
10 ~~168.53 of the Michigan Compiled Laws. 1954 PA 116, MCL 168.53.~~ A  
11 candidate who does not file nominating petitions for the office of  
12 governor or who files an insufficient petition for that office  
13 shall return all ~~funds~~ **MONEY** received from the state campaign fund  
14 for that primary election.

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

17 (4) For purposes of this section, primary election is the  
18 election described in section 52 of ~~Act No. 116 of the Public Acts~~  
19 ~~of 1954, as amended, being section 168.52 of the Michigan Compiled~~  
20 ~~Laws.~~ **THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.52.**

21 Sec. 65. (1) A major political party nominee is entitled to an  
22 amount from the state campaign fund of not more than \$1,125,000.00  
23 for a general election. A candidate, subject to law, may raise the  
24 remaining amount of the permissible expenditure limit in private  
25 contributions. An eligible candidate in a general election may  
26 elect to accept partial payment of money from the state campaign  
27 fund and instead raise private contributions as provided by law

1 that, when added to the amount received from the state campaign  
2 fund, do not exceed the expenditure limit designated in section 67.

3 (2) A minor political party nominee whose party received 5% or  
4 more of the vote for the same office in the last election is  
5 entitled to an amount from the state campaign fund of not more than  
6 \$1,125,000.00, multiplied by the number of popular votes the minor  
7 party received in the preceding general election for governor and  
8 then divided by the average number of votes the major parties  
9 received in that general election for governor.

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

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

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

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

27 (5) A candidate listed on the ballot in the general election

1 is entitled to \$1.00 for each \$1.00 of qualifying contributions  
2 certified to the ~~secretary of state pursuant to~~ **COMMISSION UNDER**  
3 this act up to \$750,000.00, if the candidate has certified to the  
4 ~~secretary of state~~ **COMMISSION** \$75,000.00 or more in qualifying  
5 contributions. A candidate who chooses to receive any public ~~funds~~  
6 **MONEY** under this subsection shall not receive any money under  
7 subsection (1), (2), (3), or (4).

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

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

1 value for an election cycle.

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

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

10 (4) A political party committee that is a congressional  
11 district or county committee shall not make contributions to a  
12 candidate committee that for an election cycle are more than  
13 \$30,000.00.

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

17 (6) ~~As used in this subsection, "immediate family" means a~~  
18 ~~spouse, parent, brother, sister, son, or daughter.~~ A candidate and  
19 members of that candidate's immediate family may not contribute in  
20 total to that person's candidate committee an amount that is more  
21 than \$50,000.00 in value for an election cycle. **AS USED IN THIS**  
22 **SUBSECTION, "IMMEDIATE FAMILY" MEANS AN INDIVIDUAL'S FATHER,**  
23 **MOTHER, SON, DAUGHTER, BROTHER, SISTER, AND SPOUSE AND A RELATIVE**  
24 **OF ANY DEGREE RESIDING IN THE SAME HOUSEHOLD AS THAT INDIVIDUAL.**

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

1           (8) The candidate committee of a candidate for governor that  
2 does not apply for ~~funds~~**MONEY** from the state campaign fund and  
3 that accepts from the candidate and the candidate's immediate  
4 family contributions that total for an election cycle more than  
5 \$340,000.00 shall notify the ~~secretary of state~~**COMMISSION** in  
6 writing within 48 hours after receipt of this amount. Within 2  
7 business days after receipt of this notice, the ~~secretary of state~~  
8 **COMMISSION** shall send notice to all candidates who are either  
9 seeking the same nomination, in the case of a primary election, or  
10 election to that same office, in the case of a general election,  
11 informing those candidate committees of all of the following:

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

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

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

24           (10) The limitation on a political committee's contributions  
25 under subsection (1) does not apply to contributions that are part  
26 of 1 or more bundled contributions delivered to the candidate  
27 committee of a candidate for statewide elective office and that are

1 attributed to the political committee as prescribed in section 31.  
2 A political committee shall not make contributions to a candidate  
3 committee of a candidate for statewide elective office that are  
4 part of 1 or more bundled contributions delivered to that candidate  
5 committee, that are attributed to the political committee as  
6 prescribed in section 31, and that, in the aggregate for that  
7 election cycle, are more than the amount permitted a person other  
8 than an independent committee or political party committee in  
9 subsection (1).

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