



HOUSE BILL No. 6046

September 28, 2000, Introduced by Reps. Gosselin and Bradstreet and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 57 (MCL 169.257), as amended by 1996 PA 590.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57. (1) A public body or an individual acting for a
2 public body shall not use or authorize the use of funds, person-
3 nel, office space, property, stationery, postage, vehicles,
4 equipment, supplies, or other public resources to make a contri-
5 bution or expenditure or provide volunteer personal services that
6 are excluded from the definition of contribution under section
7 4(3)(a). This subsection does not apply to any of the
8 following:
9 (a) The expression of views by an elected or appointed
10 public official who has policy making responsibilities.

1 (b) The production or dissemination of factual information
2 concerning issues relevant to the function of the public body.

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

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

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

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

18 (2) A person who knowingly violates this section is guilty
19 of a misdemeanor punishable, if the person is an individual, by a
20 fine of not more than \$1,000.00 or imprisonment for not more than
21 1 year, or both, or if the person is not an individual, by 1 of
22 the following, whichever is greater:

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

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

26 (3) AN INDIVIDUAL WHO RESIDES IN THE SAME LOCAL UNIT OF
27 GOVERNMENT WHERE A PUBLIC BODY THAT IS ALLEGED TO HAVE VIOLATED

1 THIS ACT IS LOCATED MAY BRING A CIVIL ACTION FOR APPROPRIATE
2 INJUNCTIVE RELIEF, DAMAGES, OR BOTH. A CIVIL ACTION BROUGHT
3 UNDER THIS SUBSECTION MAY BE FILED IN THE CIRCUIT COURT FOR THE
4 COUNTY WHERE THE ALLEGED VIOLATION OCCURRED OR IN THE CIRCUIT
5 COURT FOR THE COUNTY WHERE THE PUBLIC BODY AGAINST WHICH THE
6 CIVIL ACTION IS FILED HAS ITS PRIMARY PLACE OF BUSINESS. AN
7 INDIVIDUAL WHO PREVAILS IN A CIVIL ACTION BROUGHT UNDER THIS SUB-
8 SECTION MAY RECOVER BOTH OF THE FOLLOWING:

9 (A) DAMAGES IN THE AMOUNT OF ACTUAL DAMAGES OR \$5,000.00,
10 WHICHEVER IS GREATER.

11 (B) REASONABLE ATTORNEY FEES AND COSTS.

12 (4) IF THE CIRCUIT COURT DETERMINES IN A CIVIL ACTION
13 BROUGHT UNDER SUBSECTION (3) THAT AN INDIVIDUAL HAS FRIVOLOUSLY
14 BROUGHT THE CIVIL ACTION, THE COURT MAY AWARD ACTUAL DAMAGES,
15 REASONABLE ATTORNEY FEES, AND COSTS TO THE PUBLIC BODY AGAINST
16 WHICH THE CIVIL ACTION WAS FILED.