

SB 759, As Passed Senate, November 8, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 759**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 2, 6, 7, 9, 11, 15, 29, 42, and 57 (MCL 169.202, 169.206, 169.207, 169.209, 169.211, 169.215, 169.229, 169.242, and 169.257), sections 2 and 7 as amended by 1994 PA 385, section 6 as amended by 1995 PA 264, sections 9, 11, and 57 as amended by 1996 PA 590, section 15 as amended by 2000 PA 201, and sections 29 and 42 as amended by 1999 PA 237, and by adding sections 58 and 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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1 (3) "Ballot question committee" means a committee acting in
2 support of, or in opposition to, the qualification, passage, or
3 defeat of a ballot question but ~~which~~ THAT does not receive
4 contributions or make expenditures or contributions for the pur-
5 pose of influencing or attempting to influence the action of the
6 voters for or against the nomination or election of a candidate.

7 (4) "Business" means a corporation, LIMITED LIABILITY
8 COMPANY, partnership, sole proprietorship, firm, enterprise,
9 franchise, association, organization, self-employed individual,
10 holding company, joint stock company, receivership, trust, activ-
11 ity, or entity that is organized for profit or nonprofit
12 purposes.

13 Sec. 6. (1) "Expenditure" means a payment, donation, loan,
14 or promise of payment of money or anything of ascertainable mone-
15 tary value for goods, materials, services, or facilities in
16 assistance of, or in opposition to, the nomination or election of
17 a candidate, or the qualification, passage, or defeat of a ballot
18 question. Expenditure includes but is not limited to any of the
19 following:

20 (a) A contribution or a transfer of anything of ascertainable
21 monetary value for purposes of influencing the nomination or
22 election of a candidate or the qualification, passage, or defeat
23 of a ballot question.

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

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

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

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

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

13 (c) An expenditure for the establishment, administration, or
14 solicitation of contributions to a separate segregated fund
15 ESTABLISHED UNDER SECTION 55 or independent committee.

16 (d) An expenditure by a broadcasting station, newspaper,
17 magazine, or other periodical or publication for a news story,
18 commentary, or editorial in support of or opposition to a candi-
19 date for elective office or a ballot question in the regular
20 course of publication or broadcasting.

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

23 (f) An expenditure for nonpartisan voter registration or
24 nonpartisan get-out-the-vote activities made by an organization
25 that is exempt from federal income tax ~~pursuant to~~ UNDER sec-
26 tion 501(c)(3) of the internal revenue code of 1986, 26
27 U.S.C. 501, or ~~any~~ A successor statute.

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1 (g) An expenditure for nonpartisan voter registration or
2 nonpartisan get-out-the-vote activities performed ~~pursuant to~~
3 UNDER sections 491 to 524 of the Michigan election law, ~~Act~~
4 ~~No. 116 of the Public Acts of 1954, being sections 168.491 to~~
5 ~~168.524 of the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.491
6 TO 168.524, by the secretary of state and other registration
7 officials who are identified by name with the activity.

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

11 (2) "Filer" means a person required to file a statement or
12 report ~~pursuant to~~ UNDER this act.

13 (3) "Filing official" means the official designated
14 ~~pursuant to~~ UNDER this act to receive required statements and
15 reports.

16 (4) "Fund raising event" means an event such as a dinner,
17 reception, testimonial, rally, auction, ~~bingo,~~ or similar
18 affair through which contributions are solicited or received by
19 purchase of a ticket, payment of an attendance fee, making a
20 donation, ~~purchase of chances for prizes,~~ or purchase of goods
21 or services.

22 (5) "Gift" means a payment, subscription, advance, forbear-
23 ance, rendering, or deposit of money, services, or anything of
24 value, unless consideration of equal or greater value is given in
25 exchange.

26 (6) "Honorarium" means a payment of money to a person
27 holding elective office as consideration for an appearance, a

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1 speech, an article, or any activity related to or associated with
2 the performance of duties as an elected official. An honorarium
3 does not include any of the following:

4 (a) Reimbursement for the cost of transportation, accommoda-
5 tions, or meals for the person.

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

9 (c) An award.

10 Sec. 9. (1) "Incidental expense" means an expenditure that
11 is an ordinary and necessary expense, as described in section 162
12 of the internal revenue code of 1986, 26 U.S.C. 162, paid or
13 incurred in carrying out the business of an elective office.
14 Incidental expense includes, but is not limited to, any of the
15 following:

16 (a) A disbursement necessary to assist, serve, or communi-
17 cate with a constituent.

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

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

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

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

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

6 (g) A donation to a tax-exempt charitable organization,
7 including the purchase of tickets to charitable or civic events.

8 (h) A disbursement to a ballot question committee.

9 (i) A purchase of tickets for use by that public official
10 and members of his or her immediate family and staff to a
11 fund-raising event sponsored by a candidate committee, indepen-
12 dent committee, political party committee, or a political commit-
13 tee that does not exceed \$100.00 per committee in any calendar
14 year.

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

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

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

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

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

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

6 (p) A debt or obligation incurred by the candidate committee
7 of a public official for a disbursement authorized by subdivi-
8 sions (a) to (o), if the debt or obligation was reported in the
9 candidate committee report filed for the year in which the debt
10 or obligation arose.

11 (2) "Independent expenditure" means an expenditure by a
12 person if the expenditure is not made at the direction of, or
13 under the control of, another person and if the expenditure is
14 not a contribution to a committee.

15 (3) "In-kind contribution or expenditure" means a contribu-
16 tion or expenditure other than money.

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

20 (5) "Local elective office" means an elective office at the
21 local unit of government level. Local elective office also
22 includes judge of the court of appeals, judge of the circuit
23 court, ~~judge of the recorder's court of the city of Detroit,~~
24 judge of the district court, judge of the probate court, and
25 judge of a municipal court.

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

4 Sec. 11. (1) "Person" means a business, individual, propri-
5 etorship, firm, LIMITED LIABILITY COMPANY, partnership, joint
6 venture, syndicate, business trust, labor organization, company,
7 corporation, association, committee, or any other organization or
8 group of persons acting jointly.

9 (2) "Political committee" means a committee that is not a
10 candidate committee, political party committee, independent com-
11 mittee, or ballot question committee.

12 (3) "Political merchandise" means goods such as bumper
13 stickers, pins, hats, beverages, literature, or other items sold
14 by a person at a fund raiser or to the general public for public-
15 ity or for the purpose of raising ~~funds~~ MONEY to be used in
16 supporting or opposing a candidate for nomination for or election
17 to an elective office or in supporting or opposing the qualifica-
18 tion, passage, or defeat of a ballot question.

19 (4) "Political party" means a political party ~~which~~ THAT
20 has a right under law to have the names of its candidates listed
21 on the ballot in a general election.

22 (5) "Political party committee" means a state central, dis-
23 trict, or county committee of a political party ~~which~~ THAT is a
24 committee. Each state central committee shall designate the
25 official party county and district committees. There shall not
26 be more than 1 officially designated political party committee
27 per county and per congressional district.

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

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

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

7 (c) A county, city, township, village, intercounty, inter-
8 city, or regional governing body; a council, school district,
9 special district, or municipal corporation; or a board, depart-
10 ment, commission, or council or an agency of a board, department,
11 commission, or council.

12 (d) Any other body that is created by state or local author-
13 ity or is primarily funded by or through state or local authori-
14 ty, which body exercises governmental or proprietary authority or
15 performs a governmental or proprietary function.

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

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

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

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

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

3 (e) Promulgate rules and issue declaratory rulings to imple-
4 ment this act ~~pursuant to~~ IN ACCORDANCE WITH the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

11 (i) The incapacitating physical illness, hospitalization,
12 accident involvement, death, or incapacitation for medical rea-
13 sons of a person required to file, a person whose participation
14 is essential to the preparation of the statement or report, or a
15 member of the immediate family of these persons.

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

24 (2) A declaratory ruling shall be issued under this section
25 only if the person requesting the ruling has provided a reason-
26 ably complete statement of facts necessary for the ruling or if
27 the person requesting the ruling has, with the permission of the

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1 secretary of state, supplied supplemental facts necessary for the
2 ruling. A request for a declaratory ruling that is submitted to
3 the secretary of state shall be made available for public inspec-
4 tion within 48 hours after its receipt. An interested person may
5 submit written comments regarding the request to the secretary of
6 state within 10 business days after the date the request is made
7 available to the public. Within 45 business days after receiving
8 a declaratory ruling request, the secretary of state shall make a
9 proposed response available to the public. An interested person
10 may submit written comments regarding the proposed response to
11 the secretary of state within 5 business days after the date the
12 proposal is made available to the public. Except as otherwise
13 provided in this section, the secretary of state shall issue a
14 declaratory ruling within 60 business days after a request for a
15 declaratory ruling is received. If the secretary of state
16 refuses to issue a declaratory ruling, the secretary of state
17 shall notify the person making the request of the reasons for the
18 refusal. The secretary of state may issue an interpretative
19 statement providing an informational response to the question
20 presented. A declaratory ruling or interpretative statement
21 issued under this section shall not state a general rule of law,
22 other than that which is stated in this act, until the general
23 rule of law is promulgated by the secretary of state as a rule
24 ~~pursuant to~~ UNDER the administrative procedures act of 1969,
25 1969 PA 306, MCL 24.201 to 24.328, or ~~pursuant to~~ UNDER judi-
26 cial order.

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

8 (4) The secretary of state shall make available to the
9 public an annual summary of the declaratory rulings and interpre-
10 tative statements issued by the secretary of state.

11 (5) A person may file with the secretary of state a com-
12 plaint that alleges a violation of this act. Within 5 business
13 days after a complaint that meets the requirements of subsection
14 (6) is filed, the secretary of state shall give notice to the
15 person against whom the complaint is filed. The notice shall
16 include a copy of the complaint. Within 15 business days after
17 this notice is provided, the person against whom the complaint
18 was filed may submit to the secretary of state a response. The
19 secretary of state may extend the period for submitting a
20 response an additional 15 business days for good cause. The sec-
21 retary of state shall provide a copy of a response received to
22 the complainant. Within 10 business days after receiving a copy
23 of the response, the complainant may submit to the secretary of
24 state a rebuttal statement. The secretary of state may extend
25 the period for submitting a rebuttal statement an additional 10
26 business days for good cause. The secretary of state shall

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1 provide a copy of the rebuttal statement to the person against
2 whom the complaint was filed.

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

5 (a) Be signed by the complainant.

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

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

19 (7) The secretary of state shall develop a form that satis-
20 fies the requirements of subsection (6) and may be used for the
21 filing of complaints.

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

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1 (9) The secretary of state shall investigate the allegations
2 ~~pursuant to~~ UNDER the rules promulgated under this act. Every
3 60 days after a complaint that meets the requirements of subsec-
4 tion (6) is filed and until the matter is terminated, the secre-
5 tary of state shall mail to the complainant and to the alleged
6 violator notice of the action taken to date by the secretary of
7 state, together with the reasons for the action or nonaction.

8 (10) If the secretary of state determines that there may be
9 reason to believe that a violation of this act has occurred, the
10 secretary of state shall endeavor to correct the violation or
11 prevent a further violation by using informal methods such as a
12 conference, conciliation, or persuasion, and may enter into a
13 conciliation agreement with the person involved. Unless vio-
14 lated, a conciliation agreement is a complete bar to any further
15 action with respect to matters covered in the conciliation
16 agreement. If the secretary of state is unable to correct or
17 prevent further violation by these informal methods, the secre-
18 tary of state may refer the matter to the attorney general for
19 the enforcement of ~~any~~ A criminal penalty provided by this act
20 or commence a hearing ~~pursuant to~~ AS PROVIDED IN
21 subsection (11).

22 (11) The secretary of state may commence a hearing to deter-
23 mine whether a civil violation of this act has occurred. A hear-
24 ing shall not be commenced during the period beginning 30 days
25 before an election in which the committee has received or
26 expended money and ending the day after that election except with
27 the consent of the person suspected of committing a civil

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1 violation. The hearing shall be conducted in accordance with the
2 procedures set forth in chapter 4 of the administrative proce-
3 dures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a
4 hearing the secretary of state determines that a violation of
5 this act has occurred, the secretary of state may issue an order
6 requiring the person to pay a civil fine equal to the amount of
7 the improper contribution or expenditure plus not more than
8 \$1,000.00 for each violation. THE LIMITATION PROVIDED BY THIS
9 SUBSECTION ON THE AMOUNT OF A CIVIL FINE DOES NOT APPLY TO A
10 CIVIL FINE UNDER SECTION 59.

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

18 (13) ~~(12)~~ When a report or statement is filed ~~pursuant~~
19 ~~to~~ UNDER this act, the secretary of state shall review the
20 report or statement and may investigate an apparent violation of
21 this act ~~pursuant to~~ UNDER the rules promulgated under this
22 act. If the secretary of state determines that there may be
23 reason to believe a violation of this act has occurred and the
24 procedures prescribed in subsection (10) have been complied with,
25 the secretary of state may refer the matter to the attorney gen-
26 eral for the enforcement of ~~any~~ A criminal penalty provided by

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1 this act, or commence a hearing under subsection (11) to
2 determine whether a civil violation of this act has occurred.

3 (14) ~~(13)~~ Unless otherwise specified in this act, a person
4 who violates a provision of this act is subject to a civil fine
5 of not more than \$1,000.00 for each violation. ~~Civil fines are~~
6 A CIVIL FINE IS in addition to, but not limited by, ~~any~~ A crim-
7 inal penalty prescribed by this act.

8 (15) ~~(14)~~ In addition to any other sanction provided for
9 by this act, the secretary of state may require a person who
10 files a complaint with a false certificate under subsection
11 (6)(c) to do either or both of the following:

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

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

20 (16) ~~(15) There~~ EXCEPT AS PROVIDED IN SECTION 59, THERE is
21 no private right of action, either in law or in equity, ~~pursuant~~
22 to UNDER this act. The remedies provided in this act are the
23 exclusive means by which this act may be enforced and by which
24 any harm resulting from a violation of this act may be
25 redressed.

26 (17) ~~(16)~~ The secretary of state may waive the filing of a
27 campaign statement required under section 33, 34, or 35 if the

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1 closing date of the particular campaign statement falls on the
2 same or a later date as the closing date of the next campaign
3 statement filed by the same person, or if the period that would
4 be otherwise covered by the next campaign statement filed by the
5 same person is 10 days or less.

6 (18) ~~(17)~~ The clerk of each county shall do all of the
7 following:

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

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

15 (c) Receive all statements and reports required by this act
16 to 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 pre-
19 scribed in subsection (1)(f).

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

22 (a) The full name AND STREET ADDRESS of each person from
23 whom contributions are received in a calendar year, the amount,
24 and the date or dates contributed; and, if the person is a com-
25 mittee, the name and address of the committee and the full name
26 of the committee treasurer, together with the amount of the
27 contribution and the date received. The occupation, employer,

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1 and principal place of business, if any, shall be listed for each
2 person from whom contributions totaling more than \$100.00 are
3 received in a calendar year.

4 (b) Accompanying a campaign statement reporting the receipt
5 of a contribution from a committee or person whose treasurer does
6 not reside in, whose principal office is not located in, or whose
7 funds are not kept in this state, and whose committee has not
8 filed a statement of organization as required in section 24,
9 shall be a statement setting forth the full name and address of
10 the treasurer of the committee.

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

19 (d) The total expenditure by the committee for each candi-
20 date for elective office or ballot question in whose behalf an
21 independent expenditure was made or a contribution was given for
22 the election cycle.

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

26 (2) The committee shall identify an expenditure listed under
27 subsection (1)(c) as an independent expenditure or as a

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1 contribution to a candidate committee or a ballot question
2 committee.

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

8 (4) The committee shall designate for an independent expen-
9 diture listed under subsection (1)(c) either the name of the can-
10 didate for whose benefit the expenditure was made and the office
11 sought by the candidate, or a brief description of the ballot
12 question for which the expenditure was made; the amount, date,
13 and purpose of the expenditure; and the full name and address of
14 the person to whom the expenditure was made.

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

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

25 Sec. 42. (1) A person who accepts a contribution, other
26 than by written instrument, on behalf of another and acts as the
27 intermediary or agent of the person from whom the contribution

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1 was accepted shall disclose to the recipient of the contribution
2 the intermediary's own name and address and the name and address
3 of the actual source of the contribution.

4 (2) A contribution from a person whose treasurer does not
5 reside in, whose principal office is not located in, or whose
6 funds are not kept in this state, shall not be accepted by a
7 person for purposes of supporting or opposing candidates for
8 elective office or the qualification, passage, or defeat of a
9 ballot question unless accompanied by a statement certified as
10 true and correct by an officer of the contributing person setting
11 forth the full name and address along with the amount contribut-
12 ed, of each person who contributed to the total amount of the
13 contribution. The occupation, employer, and principal place of
14 business shall be listed for each person who contributed more
15 than \$100.00 to the total amount of the contribution. The certi-
16 fied statement shall also state that the contribution was not
17 made from an account containing funds prohibited by section 54.
18 This subsection does not apply if the contributing person is reg-
19 istered as a committee under section 24.

20 (3) A person shall not receive a contribution from a person
21 other than a committee unless, for purposes of the recipient
22 person's record keeping and reporting requirements, the contribu-
23 tion is accompanied by the name and address of each person who
24 contributed to the total amount of the contribution — and the
25 name, address, occupation, employer, and principal place of busi-
26 ness of each person who contributed more than \$100.00 to the
27 total amount of the contribution.

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1 (4) A CONTRIBUTION FROM A PERSON WHOSE TREASURER DOES NOT
2 RESIDE IN, WHOSE PRINCIPAL OFFICE IS NOT LOCATED IN, OR WHOSE
3 FUNDS ARE NOT KEPT IN THIS STATE SHALL NOT BE ACCEPTED BY A
4 PERSON FOR PURPOSES OF SUPPORTING OR OPPOSING CANDIDATES FOR
5 ELECTIVE OFFICE OR THE QUALIFICATION, PASSAGE, OR DEFEAT OF A
6 BALLOT QUESTION IF THE CONTRIBUTING PERSON HAS RECEIVED CONTRIBU-
7 TIONS ON AN AUTOMATIC BASIS, INCLUDING, BUT NOT LIMITED TO, A
8 PAYROLL DEDUCTION PLAN, UNLESS ACCOMPANIED BY A STATEMENT CERTI-
9 FIED AS TRUE AND CORRECT BY AN OFFICER OF THE CONTRIBUTING PERSON
10 SETTING FORTH THAT ALL CONTRIBUTIONS RECEIVED ON AN AUTOMATIC
11 BASIS ARE IN FULL COMPLIANCE WITH SECTION 55.

12 (5) ~~(4)~~ A person who knowingly violates this section is
13 guilty of a misdemeanor punishable, if the person is an individu-
14 al, by a fine of not more than \$1,000.00 ~~—~~ or imprisonment for
15 not more than 90 days, or both, or, if the person is other than
16 an individual, by a fine of not more than \$10,000.00.

17 Sec. 57. (1) A public body or ~~an individual~~ A PERSON
18 acting for a public body shall not use or authorize the use of
19 funds, personnel, office space, COMPUTER HARDWARE OR SOFTWARE,
20 property, stationery, postage, vehicles, equipment, supplies, or
21 other public resources to make a contribution or expenditure or
22 provide volunteer personal services that are excluded from the
23 definition of contribution under section 4(3)(a). ~~This subsec-~~
24 ~~tion does not apply to~~ A PUBLIC BODY SHALL NOT EXPRESSLY ADVO-
25 CATE BY PASSAGE OF A RESOLUTION OR ANOTHER MEANS OF COMMUNICA-
26 TION, USING PUBLIC RESOURCES AS LISTED IN THIS SUBSECTION, THE
27 NOMINATION, ELECTION, OR DEFEAT OF A CANDIDATE.

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1 (2) SUBSECTION (1) DOES NOT PROHIBIT any of the following:

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

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

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

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

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

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

21 ~~(2) A person who knowingly violates this section is guilty~~
22 ~~of a misdemeanor punishable, if the person is an individual, by a~~
23 ~~fine of not more than \$1,000.00 or imprisonment for not more than~~
24 ~~1 year, or both, or if the person is not an individual, by 1 of~~
25 ~~the following, whichever is greater:~~

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

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

3 SEC. 58. A NONPROFIT CORPORATION THAT RECEIVES MONEY FROM A
4 PUBLIC BODY OR A PERSON ACTING ON BEHALF OF A PUBLIC BODY AS MEM-
5 BERSHIP FEES OR DUES SHALL NOT USE THE MONEY OR INVESTMENT INCOME
6 DERIVED FROM THE MONEY TO INFLUENCE THE OUTCOME OF AN ELECTION
7 HELD IN THIS STATE.

8 SEC. 59. (1) A PERSON WHO KNOWINGLY VIOLATES A PROVISION OF
9 SECTION 57 OR 58 IS GUILTY OF A MISDEMEANOR PUNISHABLE AS
10 FOLLOWS:

11 (A) IF THE PERSON IS AN INDIVIDUAL, BY A FINE OF NOT MORE
12 THAN \$1,000.00 OR TWICE THE VALUE OF THE IMPROPER CONTRIBUTION OR
13 EXPENDITURE, WHICHEVER IS GREATER, OR IMPRISONMENT FOR NOT MORE
14 THAN 1 YEAR, OR BOTH.

15 (B) IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE OF NOT
16 MORE THAN \$20,000.00 OR TWICE THE VALUE OF THE IMPROPER CONTRIBU-
17 TION OR EXPENDITURE, WHICHEVER IS GREATER.

18 (2) A PERSON WHO VIOLATES SECTION 58 IS SUBJECT TO A CIVIL
19 FINE BY THE SECRETARY OF STATE. THE CIVIL FINE SHALL NOT EXCEED
20 \$20,000.00 IN ADDITION TO THE COST OF THE ILLEGAL CONTRIBUTION OR
21 EXPENDITURE.

22 (3) A PERSON RESIDING WITHIN THE GEOGRAPHICAL BOUNDARIES OF
23 THE PUBLIC BODY ALLEGING A VIOLATION OF SECTION 57 OR 58 MAY
24 BRING A CIVIL ACTION FOR DECLARATORY JUDGMENT OR INJUNCTIVE
25 RELIEF AGAINST THE PUBLIC BODY OR A PERSON ACTING ON BEHALF OF
26 THE PUBLIC BODY. AN ACTION COMMENCED UNDER THIS SUBSECTION SHALL
27 BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE PUBLIC

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1 BODY HAS ITS PRINCIPAL PLACE OF BUSINESS. THE PERSON ALLEGING A
2 VIOLATION NEED NOT PROVE THAT THE VIOLATION WAS KNOWING IN ORDER
3 TO PREVAIL.

4 (4) A PERSON COMMENCING A CIVIL ACTION UNDER SUBSECTION (3),
5 IF PREVAILING IN WHOLE OR IN PART, SHALL BE AWARDED ALL OR AN
6 APPROPRIATE PORTION OF REASONABLE ATTORNEY FEES AND COSTS.

7 (5) A CIVIL ACTION COMMENCED UNDER SUBSECTION (3) SHALL BE
8 EXPEDITED AND ASSIGNED FOR HEARING, TRIAL, OR ARGUMENT AT THE
9 EARLIEST POSSIBLE DATE.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]