

HOUSE BILL No. 6130

June 1, 2006, Introduced by Reps. Taub, Tobocman, Sheltroun, Schuitmaker, Elsenheimer, Ward, Stahl, Proos, Mortimer, Ball, Nitz and Kooiman and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 33 (MCL 169.233), as amended by 1999 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (a) A preelection campaign statement shall be filed not later
8 than the eleventh day before an election. The closing date for a

1 campaign statement filed under this subdivision ~~shall be~~ **IS** the
2 sixteenth day before the election.

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

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

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

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

25 (3) An independent committee or a political committee other
26 than a house political party caucus committee or senate political
27 party caucus committee required to file with the secretary of state

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1 shall file campaign statements as required by this act according to
2 the following schedule:

3 ~~[(a) In an odd numbered year:~~

4 ~~[(A)(i)]~~ Not later than January 31 ~~of that year~~ **[OF EACH YEAR]** with
a closing

5 date of December 31 of the previous year.

6 **[(B) NOT LATER THAN APRIL 25 WITH A CLOSING DATE OF APRIL 20.]**

7 ~~[(C)(ii)]~~ Not later than July 25 with a closing date of July 20.

8 ~~[(D)(iii)]~~ Not later than October 25 with a closing date of October
20.

9 ~~[(b) In an even numbered year:~~

10 ~~— (i) Not later than April 25 of that year with a closing date~~
11 ~~of April 20 of that year.~~

12 ~~— (ii) Not later than July 25 with a closing date of July 20.~~

13 ~~— (iii) Not later than October 25 with a closing date of October~~
14 ~~20.]~~

15 (4) A house political party caucus committee or a senate
16 political party caucus committee required to file with the
17 secretary of state shall file campaign statements as required by
18 this act **IN EACH YEAR** according to the following schedule:

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

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

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

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

27 (e) For the period beginning on the fourteenth day immediately

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

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

12 (5) Notwithstanding subsection (3) or (4) or section 51, if an
13 independent expenditure is made within 45 days before ~~a special~~
14 **AN** election by an independent committee or a political committee
15 required to file a campaign statement with the secretary of state,
16 a report of the expenditure shall be filed by the committee with
17 the secretary of state within 48 hours after the expenditure. The
18 report shall be made on a form provided by the secretary of state
19 and shall include the date of the independent expenditure, the
20 amount of the expenditure, a brief description of the nature of the
21 expenditure, and the name and address of the person to whom the
22 expenditure was paid. The brief description of the expenditure
23 shall include either the name of the candidate and the office
24 sought by the candidate or the name of the ballot question and
25 shall state whether the expenditure supports or opposes the
26 candidate or ballot question. This subsection does not apply if the
27 committee is required to report the independent expenditure in a

1 campaign statement that is required to be filed before the date of
2 the election for which the expenditure was made.

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

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

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

23 (b) An additional \$25.00 for each business day after the first
24 3 business days the report remains unfiled.

25 (c) An additional \$50.00 for each business day after the first
26 10 business days the report remains unfiled.

27 (8) If a candidate, treasurer, or other individual designated

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

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

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