

**SUBSTITUTE FOR  
HOUSE BILL NO. 4284**

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 55 (MCL 169.255), as amended by 1995 PA 264.

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

1       Sec. 55. (1) A corporation organized on a for profit or  
2 nonprofit basis, a joint stock company, a domestic dependent  
3 sovereign, or a labor organization formed under the laws of this or  
4 another state or foreign country may make an expenditure for the  
5 establishment and administration and solicitation of contributions  
6 to a separate segregated fund to be used for political purposes. A  
7 separate segregated fund established under this section shall be  
8 limited to making contributions to, and expenditures on behalf of,  
9 candidate committees, ballot question committees, political party  
10 committees, political committees, and independent committees.

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

5           (a) Stockholders of the corporation or company.

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

7           (c) Employees of the corporation or company who have policy  
8 making, managerial, professional, supervisory, or administrative  
9 nonclerical responsibilities.

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

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

15          (b) Stockholders of members of the corporation.

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

17          (d) Employees of the members of the corporation who have  
18 policy making, managerial, professional, supervisory, or  
19 administrative nonclerical responsibilities.

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

23          (4) Contributions for a separate segregated fund established  
24 under this section by a labor organization may be solicited from  
25 any of the following persons or their spouses:

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

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

1 (c) Employees of the labor organization who have policy  
2 making, managerial, professional, supervisory, or administrative  
3 nonclerical responsibilities.

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

8 (6) Contributions shall not be obtained for a separate  
9 segregated fund established under this section by use of coercion  
10 or physical force, by making a contribution a condition of  
11 employment or membership, or by using or threatening to use job  
12 discrimination or financial reprisals. A corporation organized on a  
13 for profit or nonprofit basis, a joint stock company, a domestic  
14 dependent sovereign, or a labor organization shall not solicit or  
15 obtain contributions for a separate segregated fund established  
16 under this section from an individual described in subsection (2),  
17 (3), (4), or (5) on ~~an automatic or~~ **A** passive basis including but  
18 not limited to a ~~payroll deduction plan or~~ reverse checkoff method.  
19 A corporation organized on a for profit or nonprofit basis, a joint  
20 stock company, a domestic dependent sovereign, or a labor  
21 organization may solicit or obtain contributions for a separate  
22 segregated fund established under this section from an individual  
23 described in subsection (2), (3), (4), or (5) on an automatic  
24 basis, including but not limited to a payroll deduction plan, only  
25 if the individual who is contributing to the fund affirmatively  
26 consents **IN WRITING** to the contribution. ~~at least once in every~~  
27 ~~calendar year.~~

House Bill No. 4284 (H-2) as amended October 29, 2009

1 (7) A person who knowingly violates this section is guilty of  
2 a felony punishable, if the person is an individual, by a fine of  
3 not more than \$5,000.00 or imprisonment for not more than 3 years,  
4 or both, or, if the person is not an individual, by a fine of not  
5 more than \$10,000.00.

6 (8) If a corporation, joint stock company, domestic dependent  
7 sovereign, or labor organization that obtains contributions for a  
8 separate segregated fund from individuals described in subsection  
9 (2), (3), (4), or (5) pays to 1 or more of those individuals a  
10 bonus or other remuneration for the purpose of reimbursing those  
11 contributions, then that corporation, joint stock company, domestic  
12 dependent sovereign, or labor organization is subject to a civil  
13 fine equal to 2 times the total contributions obtained from all  
14 individuals for the separate segregated fund during that calendar  
15 year.

[Enacting section 1. This amendatory act does not take effect  
unless House Bill No. 4245 of the 95th Legislature is enacted into law.]