

HOUSE BILL No. 4284

February 17, 2009, Introduced by Reps. Miller and Angerer and referred to the Committee on Labor.

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

1 committees, political committees, and independent committees.

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

6 (a) Stockholders of the corporation or company.

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

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

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

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

16 (b) Stockholders of members of the corporation.

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

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

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

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

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

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

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

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

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

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.