

**SUBSTITUTE FOR
SENATE BILL NO. 750**

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending sections 33 and 35 (MCL 169.233 and 169.235), section
33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA
75.

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

1 than the eleventh day before an election. The closing date for a
2 campaign statement filed under this subdivision shall be the
3 sixteenth day before the election.

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

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

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

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

26 (3) An independent committee or a political committee other
27 than a house political party caucus committee or senate political

1 party caucus committee required to file with the secretary of state
2 shall file campaign statements as required by this act according to
3 the following schedule:

4 ~~—— (a) In an odd numbered year:~~

5 ~~—— (i) Not later than January 31 of that year with a closing date~~
6 ~~of December 31 of the previous year.~~

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

8 ~~—— (iii) Not later than October 25 with a closing date of October~~
9 ~~20.~~

10 ~~—— (b) In an even numbered year:~~

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

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

14 ~~—— (iii) Not later than October 25 with a closing date of October~~
15 ~~20.~~

16 (A) CAMPAIGN STATEMENTS NOT LATER THAN THE FOLLOWING DATES
17 EVERY YEAR:

18 (i) FEBRUARY 15 WITH A CLOSING DATE OF FEBRUARY 10 OF THAT
19 YEAR.

20 (ii) APRIL 25 WITH A CLOSING DATE OF APRIL 20 OF THAT YEAR.

21 (iii) JULY 25 WITH A CLOSING DATE OF JULY 20 OF THAT YEAR.

22 (B) IN EVERY ODD NUMBERED YEAR, A CAMPAIGN STATEMENT NOT LATER
23 THAN OCTOBER 25 WITH A CLOSING DATE OF OCTOBER 20 OF THAT YEAR.

24 (4) A house political party caucus committee or a senate
25 political party caucus committee required to file with the
26 secretary of state shall file campaign statements as required by
27 this act according to the following schedule:

1 (a) Not later than January 31 of each year with a closing date
2 of December 31 of the immediately preceding year.

3 (b) Not later than April 25 of each year with a closing date
4 of April 20 of that year.

5 (c) Not later than July 25 of each year with a closing date of
6 July 20 of that year.

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

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

15 (f) For the period beginning on the fourteenth day immediately
16 preceding a general or special election and ending on the day
17 immediately following the general or special election, not later
18 than 4 p.m. each business day with a closing date of the
19 immediately preceding day, only for a contribution received or
20 expenditure made that exceeds \$1,000.00 per day.

21 (5) Notwithstanding subsection (3) or (4) or section 51, if an
22 independent expenditure is made within 45 days before a special
23 election by an independent committee or a political committee
24 required to file a campaign statement with the secretary of state,
25 a report of the expenditure shall be filed by the committee with
26 the secretary of state within 48 hours after the expenditure. The
27 report shall be made on a form provided by the secretary of state

1 and shall include the date of the independent expenditure, the
2 amount of the expenditure, a brief description of the nature of the
3 expenditure, and the name and address of the person to whom the
4 expenditure was paid. The brief description of the expenditure
5 shall include either the name of the candidate and the office
6 sought by the candidate or the name of the ballot question and
7 shall state whether the expenditure supports or opposes the
8 candidate or ballot question. This subsection does not apply if the
9 committee is required to report the independent expenditure in a
10 campaign statement that is required to be filed before the date of
11 the election for which the expenditure was made.

12 (6) A candidate committee or a committee other than a
13 candidate committee that files a written statement under section
14 24(5) or (6) ~~need not~~ **IS NOT REQUIRED TO** file a campaign statement
15 under subsection (1), (3), or (4) unless it received or expended an
16 amount in excess of \$1,000.00. If the committee receives or expends
17 an amount in excess of \$1,000.00 during a period covered by a
18 filing, the committee is then subject to the campaign filing
19 requirements under this act.

20 (7) A committee, candidate, treasurer, or other individual
21 designated as responsible for the committee's record keeping,
22 report preparation, or report filing who fails to file a statement
23 as required by this section shall pay a late filing fee. If the
24 committee has raised \$10,000.00 or less during the previous 2
25 years, the late filing fee shall be \$25.00 for each business day
26 the statement remains unfiled, but not to exceed \$500.00. If the
27 committee has raised more than \$10,000.00 during the previous 2

1 years, the late filing fee shall not exceed \$1,000.00, determined
2 as follows:

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

5 (b) An additional \$25.00 for each business day after the first
6 3 business days the report remains unfiled.

7 (c) An additional \$50.00 for each business day after the first
8 10 business days the report remains unfiled.

9 (8) If a candidate, treasurer, or other individual designated
10 as responsible for the committee's record keeping, report
11 preparation, or report filing fails to file 2 statements required
12 by this section or section 35 and both of the statements remain
13 unfiled for more than 30 days, that candidate, treasurer, or other
14 designated individual is guilty of a misdemeanor ~~—~~punishable by a
15 fine of not more than \$1,000.00 ~~—~~or imprisonment for not more than
16 90 days, or both.

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

22 (10) If a **CANDIDATE**, treasurer, or other individual designated
23 as responsible for a committee's record keeping, report
24 preparation, or report filing knowingly files an incomplete or
25 inaccurate statement or report required by this section, that
26 ~~treasurer or other designated~~ individual is subject to a civil fine
27 of not more than \$1,000.00.

1 (11) IF A CANDIDATE COMMITTEE'S ACCOUNT HAS A BALANCE OF
2 \$20,000.00 OR MORE AND A CANDIDATE, TREASURER, OR OTHER INDIVIDUAL
3 DESIGNATED AS RESPONSIBLE FOR THAT COMMITTEE'S RECORD KEEPING,
4 REPORT PREPARATION, OR REPORT FILING FAILS TO FILE CAMPAIGN
5 STATEMENTS REQUIRED UNDER THIS ACT FOR 2 CONSECUTIVE YEARS, THAT
6 CANDIDATE, TREASURER, OR OTHER INDIVIDUAL IS GUILTY OF A FELONY
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF
8 NOT MORE THAN \$5,000.00, OR BOTH. ANY MONEY IN A CANDIDATE
9 COMMITTEE ACCOUNT DESCRIBED IN THIS SUBSECTION IS SUBJECT TO
10 SEIZURE BY, AND FORFEITURE TO, THIS STATE AS PROVIDED IN THIS
11 SECTION.

12 (12) NOT MORE THAN 5 BUSINESS DAYS AFTER SEIZURE OF MONEY
13 UNDER SUBSECTION (11), THE SECRETARY OF STATE SHALL DELIVER
14 PERSONALLY OR BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE
15 CANDIDATE FROM WHOM THE SEIZURE WAS MADE AN INVENTORY STATEMENT OF
16 THE MONEY SEIZED. THE INVENTORY STATEMENT SHALL ALSO CONTAIN NOTICE
17 TO THE EFFECT THAT UNLESS DEMAND FOR HEARING AS PROVIDED IN THIS
18 SECTION IS MADE WITHIN 10 BUSINESS DAYS, THE MONEY IS FORFEITED TO
19 THIS STATE. WITHIN 10 BUSINESS DAYS AFTER THE DATE OF SERVICE OF
20 THE NOTICE, THE CANDIDATE MAY BY REGISTERED MAIL, FACSIMILE
21 TRANSMISSION, OR PERSONAL SERVICE FILE WITH THE SECRETARY OF STATE
22 A DEMAND FOR A HEARING BEFORE THE SECRETARY OF STATE OR A PERSON
23 DESIGNATED BY THE SECRETARY OF STATE FOR A DETERMINATION AS TO
24 WHETHER THE MONEY WAS LAWFULLY SUBJECT TO SEIZURE AND FORFEITURE.
25 THE CANDIDATE IS ENTITLED TO APPEAR BEFORE THE SECRETARY OF STATE
26 OR A PERSON DESIGNATED BY THE SECRETARY OF STATE, TO BE REPRESENTED
27 BY COUNSEL, AND TO PRESENT TESTIMONY AND ARGUMENT. UPON RECEIPT OF

1 A REQUEST FOR HEARING, THE SECRETARY OF STATE OR A PERSON
2 DESIGNATED BY THE SECRETARY OF STATE SHALL HOLD THE HEARING WITHIN
3 15 BUSINESS DAYS. THE HEARING IS NOT A CONTESTED CASE PROCEEDING
4 AND IS NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
5 1969 PA 306, MCL 24.201 TO 24.328. AFTER THE HEARING, THE SECRETARY
6 OF STATE OR A PERSON DESIGNATED BY THE SECRETARY OF STATE SHALL
7 RENDER A DECISION IN WRITING WITHIN 10 BUSINESS DAYS OF THE HEARING
8 AND, BY ORDER, SHALL EITHER DECLARE THE MONEY SUBJECT TO SEIZURE
9 AND FORFEITURE OR DECLARE THE MONEY RETURNABLE TO THE CANDIDATE.
10 IF, WITHIN 10 BUSINESS DAYS AFTER THE DATE OF SERVICE OF THE
11 INVENTORY STATEMENT, THE CANDIDATE DOES NOT FILE WITH THE SECRETARY
12 OF STATE A DEMAND FOR A HEARING BEFORE THE SECRETARY OF STATE OR A
13 PERSON DESIGNATED BY THE SECRETARY OF STATE, THE MONEY SEIZED IS
14 FORFEITED TO THIS STATE BY OPERATION OF LAW. IF, AFTER A HEARING
15 BEFORE THE SECRETARY OF STATE OR A PERSON DESIGNATED BY THE
16 SECRETARY OF STATE, THE SECRETARY OF STATE OR A PERSON DESIGNATED
17 BY THE SECRETARY OF STATE DETERMINES THAT THE MONEY IS LAWFULLY
18 SUBJECT TO SEIZURE AND FORFEITURE AND THE CANDIDATE DOES NOT APPEAL
19 TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE SEIZURE WAS MADE
20 WITHIN THE TIME PRESCRIBED IN THIS SECTION, THE MONEY SEIZED IS
21 FORFEITED TO THIS STATE BY OPERATION OF LAW. IF A CANDIDATE IS
22 AGGRIEVED BY THE DECISION OF THE SECRETARY OF STATE OR A PERSON
23 DESIGNATED BY THE SECRETARY OF STATE, THAT CANDIDATE MAY APPEAL TO
24 THE CIRCUIT COURT OF THE COUNTY WHERE THE SEIZURE WAS MADE TO
25 OBTAIN A JUDICIAL DETERMINATION OF THE LAWFULNESS OF THE SEIZURE
26 AND FORFEITURE. THE ACTION SHALL BE COMMENCED WITHIN 20 DAYS AFTER
27 NOTICE OF A DETERMINATION BY THE SECRETARY OF STATE OR A PERSON

1 DESIGNATED BY THE SECRETARY OF STATE IS SENT TO THE CANDIDATE. THE
2 COURT SHALL HEAR THE ACTION AND DETERMINE THE ISSUES OF FACT AND
3 LAW INVOLVED IN ACCORDANCE WITH RULES OF PRACTICE AND PROCEDURE AS
4 IN OTHER IN REM PROCEEDINGS.

5 Sec. 35. (1) In addition to any other requirements of this act
6 for filing a campaign statement, a committee, other than an
7 independent committee or a political committee required to file
8 with the secretary of state, shall also file a campaign statement
9 not later than January 31 of each year. The campaign statement
10 shall have a closing date of December 31 of the previous year. The
11 period covered by the campaign statement filed ~~pursuant to~~ **UNDER**
12 this subsection begins the day after the closing date of the
13 previous campaign statement. A campaign statement filed ~~pursuant to~~
14 **UNDER** this subsection shall be waived if a postelection campaign
15 statement has been filed that has a filing deadline within 30 days
16 of the closing date of the campaign statement required by this
17 subsection.

18 (2) Subsection (1) does not apply to a candidate committee for
19 an officeholder who is a judge or a supreme court justice, or who
20 holds an elective office for which the salary is less than \$100.00
21 a month and who does not receive any contribution or make any
22 expenditure during the time that would be otherwise covered in the
23 statement.

24 (3) A committee, candidate, treasurer, or other individual
25 designated as responsible for the record keeping, report
26 preparation, or report filing for a candidate committee of a
27 candidate for state elective office or a judicial office who fails

1 to file a campaign statement under this section shall be assessed a
2 late filing fee. If the committee has raised \$10,000.00 or less
3 during the previous 2 years, the late filing fee shall be \$25.00
4 for each business day the campaign statement remains unfiled, but
5 not to exceed \$500.00. If the committee has raised more than
6 \$10,000.00 during the previous 2 years, the late filing fee shall
7 be \$50.00 for each business day the campaign statement remains
8 unfiled, but not to exceed \$1,000.00. The late filing fee assessed
9 under this subsection shall be paid by the candidate, and the
10 candidate shall not use committee funds to pay that fee. A
11 committee, treasurer, or other individual designated as responsible
12 for the record keeping, report preparation, or report filing for a
13 committee other than a candidate committee of a candidate for state
14 elective office or a judicial office who fails to file a campaign
15 statement under this section shall pay a late filing fee of \$25.00
16 for each business day the campaign statement remains not filed in
17 violation of this section. The late filing fee shall not exceed
18 \$500.00.

19 (4) A committee filing a written statement ~~pursuant to~~ **UNDER**
20 section 24(5) or (6) need not file a statement in accordance with
21 subsection (1). If a committee receives or expends more than
22 \$1,000.00 during a time period prescribed by section 24(5) or (6),
23 the committee is then subject to the campaign filing requirements
24 under this act and shall file a campaign statement for the period
25 beginning the day after the closing date of the last postelection
26 campaign statement or an annual campaign statement that is waived
27 ~~pursuant to~~ **UNDER** subsection (1), whichever occurred earlier.

1 (5) If a candidate, treasurer, or other individual designated
2 as responsible for the record keeping, report preparation, or
3 report filing fails to file 2 statements required by this section
4 or section 33 and both of the statements remain unfiled for more
5 than 30 days, that candidate, treasurer, or other designated
6 individual is guilty of a misdemeanor, punishable by a fine of not
7 more than \$1,000.00, or imprisonment for not more than 90 days, or
8 both.

9 (6) If a **CANDIDATE**, treasurer, or other individual designated
10 as responsible for the record keeping, report preparation, or
11 report filing for a committee required to file a campaign statement
12 under subsection (1) knowingly files an incomplete or inaccurate
13 statement or report required by this section, that ~~treasurer or~~
14 ~~other designated~~ individual is subject to a civil fine of not more
15 than \$1,000.00.