

HOUSE BILL No. 5355

February 2, 2012, Introduced by Reps. Stapleton, Bauer, Ananich, Irwin, Brown, Townsend, Byrum, Segal, Slavens, Liss, Hammel, Lindberg, Howze, Durhal and Barnett and referred to the Committee on Redistricting and Elections.

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
9 campaign statement filed under this subdivision shall be the
10 sixteenth day before the election.

11 (b) A postelection campaign statement shall be filed not later

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

10 (C) IN AN ODD NUMBERED YEAR:

11 (i) NOT LATER THAN APRIL 25 WITH A CLOSING DATE OF APRIL 20 OF
12 EACH YEAR.

13 (ii) NOT LATER THAN JULY 25 WITH A CLOSING DATE OF JULY 20 OF
14 EACH YEAR.

15 (iii) NOT LATER THAN OCTOBER 25 WITH A CLOSING DATE OF OCTOBER
16 20 OF EACH YEAR.

17 (D) IN AN EVEN NUMBERED YEAR, APRIL 30 WITH A CLOSING DATE OF
18 APRIL 20 OF THAT YEAR.

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

20 (a) A candidate committee shall file a preelection campaign
21 statement and a postelection campaign statement for each election
22 in which the candidate seeks nomination or election, except if an
23 individual becomes a candidate after the closing date for the
24 preelection campaign statement only the postelection campaign
25 statement is required for that election.

26 (b) A committee other than a candidate committee shall file a
27 campaign statement for each period during which expenditures are

1 made for the purpose of influencing the nomination or election of a
2 candidate or for the qualification, passage, or defeat of a ballot
3 question.

4 (3) An independent committee or a political committee other
5 than a house political party caucus committee or senate political
6 party caucus committee required to file with the secretary of state
7 shall file campaign statements as required by this act according to
8 the following schedule:

9 (a) In an odd numbered year:

10 (i) Not later than January 31 of that year with a closing date
11 of December 31 of the previous year.

12 (ii) Not later than July 25 with a closing date of July 20 **OF**
13 **THAT YEAR.**

14 (iii) Not later than October 25 with a closing date of October
15 20 **OF THAT YEAR.**

16 (b) In an even numbered year:

17 (i) Not later than April 25 of that year with a closing date of
18 April 20 of that year.

19 (ii) Not later than July 25 with a closing date of July 20 **OF**
20 **THAT YEAR.**

21 (iii) Not later than October 25 with a closing date of October
22 20 **OF THAT YEAR.**

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

27 (a) Not later than January 31 of each year with a closing date

1 of December 31 of the immediately preceding year.

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

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

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

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

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

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

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

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

19 (7) A committee, candidate, treasurer, or other individual
20 designated as responsible for the committee's record keeping,
21 report preparation, or report filing who fails to file a statement
22 as required by this section shall pay a late filing fee. If the
23 committee has raised \$10,000.00 or less during the previous 2
24 years, the late filing fee shall be \$25.00 for each business day
25 the statement remains unfiled, but not to exceed \$500.00. If the
26 committee has raised more than \$10,000.00 during the previous 2
27 years, the late filing fee shall not exceed \$1,000.00, determined

1 as follows:

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

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

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

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

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

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