

**SUBSTITUTE FOR  
HOUSE BILL NO. 4131**

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 16 (MCL 169.216), as amended by 2017 PA 184.

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

1           Sec. 16. (1) A filing official shall make a statement or  
2 report required to be filed under this act available for public  
3 inspection and reproduction, as soon as practicable, but not later  
4 than the third business day following the day on which it is  
5 received, during regular business hours of the filing official. If  
6 the report is a report of a late contribution under section 32(1)  
7 made to the secretary of state, the secretary of state shall also  
8 make the report or all of the contents of the report available to  
9 the public on the internet, without charge, as soon as practicable



1 but not later than the end of the business day on which it is  
2 received, at a single website established and maintained by the  
3 secretary of state.

4 (2) A **filing official shall provide a** copy of a statement or  
5 part of a statement ~~shall be provided by a filing official~~ at a  
6 reasonable charge.

7 (3) A statement open to the public under this act ~~shall~~**must**  
8 not be used for any commercial purpose.

9 (4) Except as otherwise provided in this subsection, a  
10 statement of organization filed under this act with a filing  
11 official who is not the secretary of state ~~shall~~**must** be preserved  
12 by that filing official for 5 years from the official date of the  
13 committee's dissolution. A statement of organization filed under  
14 this act with a filing official who is not the secretary of state  
15 that is filed by a committee that received more than \$50,000.00 in  
16 an election cycle ~~shall~~**must** be preserved by that filing official  
17 for 15 years from the official date of the committee's dissolution.  
18 A statement of organization filed under this act with the secretary  
19 of state ~~shall~~**must** be preserved by the secretary of state for 15  
20 years from the official date of the committee's dissolution. Except  
21 as otherwise provided in this subsection, any other statement or  
22 report filed under this act with a filing official who is not the  
23 secretary of state ~~shall~~**must** be preserved by that filing official  
24 for 5 years from the date the filing occurred. Any other statement  
25 or report filed under this act with a filing official who is not  
26 the secretary of state that is filed by a committee that received  
27 more than \$50,000.00 in an election cycle ~~shall~~**must** be preserved  
28 by that filing official for 15 years from the date the filing  
29 occurred. Any other statement or report filed under this act with



1 the secretary of state ~~shall~~**must** be preserved by the secretary of  
2 state for 15 years from the date the filing occurred. ~~Upon~~**On** a  
3 determination under section 15 that a violation of this act has  
4 occurred, all complaints, orders, decisions, or other documents  
5 related to that violation ~~shall~~**must** be preserved by the filing  
6 official who is not the secretary of state or the secretary of  
7 state for 15 years from the date of the court determination or the  
8 date the violations are corrected, whichever is later. Statements  
9 and reports filed under this act may be reproduced pursuant to the  
10 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After  
11 the required preservation period, the statements and reports, or  
12 the reproductions of the statements and reports, may be disposed of  
13 in the manner prescribed in the management and budget act, 1984 PA  
14 431, MCL 18.1101 to 18.1594, and section 11 of the Michigan history  
15 center act, 2016 PA 470, MCL 399.811.

16 (5) A filing official shall not collect a charge for the  
17 filing of a required statement or report or for a form ~~upon~~**on**  
18 which the statement or report is to be prepared, except a late  
19 filing fee required by this act.

20 (6) A filing official shall determine whether a statement or  
21 report filed under this act complies, on its face, with the  
22 requirements of this act and the rules promulgated under this act.  
23 The filing official shall determine whether a statement or report  
24 that is required to be filed under this act is in fact filed.  
25 Within ~~4~~**30** business days after the deadline for filing a statement  
26 or report under this act, the filing official shall give notice to  
27 the filer by ~~registered~~**first-class** mail **or first-class mail and**  
28 **email** of an error or omission in the statement or report and give  
29 notice to a person the filing official has reason to believe is a



1 person required to and who failed to file a statement or report. **If**  
 2 **a notice of an error or omission is not given by the filing**  
 3 **official within 30 business days after the deadline for filing a**  
 4 **statement or report under this act, the statement or report is**  
 5 **considered filed under this act, even if the statement or report is**  
 6 **later amended.** A failure to give notice by the filing official  
 7 under this subsection is not a defense to a criminal action against  
 8 the person required to file.

9 (7) Within ~~9~~**35** business days after the report or statement is  
 10 required to be filed, the filer shall make any corrections in the  
 11 statement or report filed with the appropriate filing official.  
 12 **Within 10 business days after receiving any corrections, the filing**  
 13 **official shall notify the filer whether the corrections made to the**  
 14 **statement or report are sufficient.** If the report or statement was  
 15 not filed, then the report or statement ~~shall~~**must** be late filed  
 16 within ~~9~~**35** business days after the time it was required to be  
 17 filed and ~~shall be~~**is** subject to late filing fees.

18 (8) After ~~9~~**35** business days and before ~~12~~**38** business days  
 19 have expired after the deadline for filing the statement or report,  
 20 the filing official shall report errors or omissions that were not  
 21 corrected and failures to file to the attorney general.

22 (9) A statement or report required to be filed under this act  
 23 ~~shall~~**must** be filed not later than 5 p.m. of the day in which it is  
 24 required to be filed. A preelection statement or report due on July  
 25 25 or October 25 under section 33 that is postmarked by registered  
 26 or certified mail, or sent by express mail or other overnight  
 27 delivery service, at least 2 days before the deadline for filing is  
 28 filed within the prescribed time regardless of when it is actually  
 29 delivered. Any other statement or report required to be filed under



1 this act that is postmarked by registered or certified mail or sent  
2 by express mail or other overnight delivery service on or before  
3 the deadline for filing is filed within the prescribed time  
4 regardless of when it is actually delivered.

