

HOUSE BILL NO. 4131

February 04, 2021, Introduced by Reps. Sabo and Calley and referred to the Committee on Elections and Ethics.

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

1 the report is a report of a late contribution under section 32(1)
2 made to the secretary of state, the secretary of state shall also
3 make the report or all of the contents of the report available to
4 the public on the internet, without charge, as soon as practicable
5 but not later than the end of the business day on which it is
6 received, at a single website established and maintained by the
7 secretary of state.

8 (2) A **filing official shall provide a** copy of a statement or
9 part of a statement ~~shall be provided by a filing official~~ at a
10 reasonable charge.

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

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

1 the secretary of state that is filed by a committee that received
2 more than \$50,000.00 in an election cycle ~~shall~~**must** be preserved
3 by that filing official for 15 years from the date the filing
4 occurred. Any other statement or report filed under this act with
5 the secretary of state ~~shall~~**must** be preserved by the secretary of
6 state for 15 years from the date the filing occurred. ~~Upon~~**On** a
7 determination under section 15 that a violation of this act has
8 occurred, all complaints, orders, decisions, or other documents
9 related to that violation ~~shall~~**must** be preserved by the filing
10 official who is not the secretary of state or the secretary of
11 state for 15 years from the date of the court determination or the
12 date the violations are corrected, whichever is later. Statements
13 and reports filed under this act may be reproduced pursuant to the
14 records reproduction act, 1992 PA 116, MCL 24.401 to 24.406. After
15 the required preservation period, the statements and reports, or
16 the reproductions of the statements and reports, may be disposed of
17 in the manner prescribed in the management and budget act, 1984 PA
18 431, MCL 18.1101 to 18.1594, and section 11 of the Michigan history
19 center act, 2016 PA 470, MCL 399.811.

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

24 (6) A filing official shall determine whether a statement or
25 report filed under this act complies, on its face, with the
26 requirements of this act and the rules promulgated under this act.
27 The filing official shall determine whether a statement or report
28 that is required to be filed under this act is in fact filed.
29 Within ~~4~~**30** business days after the deadline for filing a statement

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

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

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

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

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