

# HOUSE BILL NO. 5375

October 06, 2021, Introduced by Rep. Steven Johnson 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 not be~~  
12 ~~used for any commercial purpose.~~

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

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

21 (4) ~~(5)~~—A filing official shall not collect a charge for the  
22 filing of a required statement or report or for a form ~~upon~~**on**  
23 which the statement or report is to be prepared, except a late  
24 filing fee required by this act.

25 (5) ~~(6)~~—A filing official shall determine whether a statement  
26 or report filed under this act complies, on its face, with the  
27 requirements of this act and the rules promulgated under this act.  
28 The filing official shall determine whether a statement or report  
29 that is required to be filed under this act is in fact filed.

1 ~~Within~~ **Not later than** 4 business days after the deadline for filing  
2 a statement or report under this act, the filing official shall  
3 give notice to the filer by registered mail of an error or omission  
4 in the statement or report and give notice to a person the filing  
5 official has reason to believe is a person required to and who  
6 failed to file a statement or report. A failure to give notice by  
7 the filing official under this subsection is not a defense to a  
8 criminal action against the person required to file.

9       **(6)** ~~(7)~~ ~~Within~~ **Not later than** 9 business days after the report  
10 or statement is required to be filed, the filer shall make any  
11 corrections in the statement or report filed with the appropriate  
12 filing official. If the report or statement was not filed, then the  
13 report or statement ~~shall~~ **must** be late filed ~~within~~ **not later than**  
14 9 business days after the time it was required to be filed and  
15 ~~shall be~~ **is** subject to late filing fees.

16       **(7)** ~~(8)~~ After 9 business days and before 12 business days have  
17 expired after the deadline for filing the statement or report, the  
18 filing official shall report errors or omissions that were not  
19 corrected and failures to file to the attorney general.

20       **(8)** ~~(9)~~ A statement or report required to be filed under this  
21 act ~~shall~~ **must** be filed not later than 5 p.m. of the day in which  
22 it is required to be filed. A preelection statement or report due  
23 on July 25 or October 25 under section 33 that is postmarked by  
24 registered or certified mail, or sent by express mail or other  
25 overnight delivery service, at least 2 days before the deadline for  
26 filing is filed within the prescribed time regardless of when it is  
27 actually delivered. Any other statement or report required to be  
28 filed under this act that is postmarked by registered or certified  
29 mail or sent by express mail or other overnight delivery service on

- 1 or before the deadline for filing is filed within the prescribed
- 2 time regardless of when it is actually delivered.