

[No. 465]

AN ACT to amend section 15 of Act No. 388 of the Public Acts of 1976, entitled "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create a state campaign fund; to provide for reversion of, or refunding of, unexpended balances; to require reports; to provide appropriations; to prescribe penalties; and to repeal certain acts and parts of acts," being section 169.215 of the Compiled Laws of 1970.

The People of the State of Michigan enact:

Section amended; campaign financing and advertising.

Section 1. Section 15 of Act No. 388 of the Public Acts of 1976, being section 169.215 of the Compiled Laws of 1970, is amended to read as follows:

169.215 Duties of secretary of state; filing complaint; investigations; informal methods of conference, conciliation, and persuasion; conciliation agreement; bar to further action; enforcement; waiver of campaign statement filing; duties of county clerk. [M.S.A. 4.1703(15)]

Sec. 15. (1) The secretary of state shall do all of the following:

(a) Make available through its offices, and furnish to county clerks, appropriate forms, instructions, and manuals required by this act.

(b) Develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with the purposes of this act, and supervise the implementation of the filing systems by the clerks of the counties.

(c) Receive all statements and reports required by this act to be filed with the secretary of state.

(d) Prepare forms, instructions, and manuals required under this act.

(e) Promulgate rules and issue declaratory rulings to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(f) Conduct investigations as may be necessary to determine if there is reason to believe a violation of this act has occurred. Investigations shall be in accordance with the procedures set forth in Act No. 306 of the Public Acts of 1969, as amended.

(g) Upon receipt of a written request and upon receipt of the required filing, waive payment of a late filing fee if the request for the waiver is based on good cause. Good cause for a waiver of a late filing fee shall consist of any of the following reasons and shall be accompanied by adequate documentation:

(i) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons.

(ii) Other unique, unintentional factors beyond the filer's control not stemming from a negligent act or nonaction so that a reasonably prudent person would excuse the filing on a temporary basis. These factors include the loss or unavailability of records due to a fire, flood, theft, or similar reason and

difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving transportation systems.

(2) A person may file a complaint with the secretary of state alleging a violation of this act. The secretary of state, upon receipt of a complaint, shall investigate the allegations pursuant to the rules promulgated under this act. If the secretary of state determines that there is reason to believe that a violation of this act has occurred, the secretary of state may endeavor to correct or prevent further violation by informal methods of conference, conciliation, and persuasion, and may enter into a conciliation agreement with the person involved. A conciliation agreement, unless violated, shall constitute a complete bar to any further action with respect to matters covered in the conciliation agreement. If the secretary of state is unable to correct or prevent further violation by these informal methods, proceedings shall be commenced pursuant to the rules promulgated to implement this act. The secretary of state may forward the results of the investigation to the attorney general for enforcement of this act.

(3) If the secretary of state, upon investigation of a report filed under this act, determines that there is reason to believe a violation of this act has occurred and the procedures prescribed in subsection (2) have been complied with, the secretary of state shall forward the results of that investigation to the attorney general for enforcement of this act.

(4) The secretary of state may waive the filing of a campaign statement required under sections 33, 34, or 35 if the closing date of the particular campaign statement falls on the same or a later date as the closing date of the next campaign statement filed by the same person, or if the period which would be otherwise covered by the next campaign statement filed by the same person is 10 days or less.

(5) The clerk of each county shall:

(a) Make available through the county clerk's office the appropriate forms, instructions, and manuals required by this act.

(b) Under the supervision of the secretary of state, implement the filing, coding, and cross-indexing system prescribed for the filing of reports and statements required to be filed with the county clerk's office.

(c) Receive all statements and reports required by this act to be filed with the county clerk's office.

(d) Upon written request, waive the payment of a late filing fee if the request for a waiver is based on good cause as prescribed in subsection (1)(g).

This act is ordered to take immediate effect.

Approved January 17, 1981.

[No. 466]

AN ACT to amend section 101 of Act No. 300 of the Public Acts of 1980, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of management and budget; to prescribe penalties; and to repeal certain acts and parts of acts," being section 38.1401 of the Compiled Laws of 1970.