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INCREASE PENALTIES FOR LATE CAMPAIGN FILING

House Bill 4243

Sponsor: Rep. Ruth Johnson

Committee: Constitutional Law and Ethics

Complete to 3-30-99

A SUMMARY OF HOUSE BILL 4243 AS INTRODUCED 3-11-99

The Michigan Campaign Finance Act currently imposes late filing fees of \$25 per day, up to a maximum of \$500, upon a committee, candidate, treasurer, or other person responsible for filing written reports with the Department of State for each day a statement remains unfiled. Section 33 of the act specifies the filing requirements for committees (with varying deadlines depending on the kind of committee in question), while section 35 of the act further generally requires committees, other than independent committees or political committees, to file a campaign statement by January 31 of each year. Failure to file the required statements for more than 30 days beyond the specified deadlines is a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to 90 days, or both. In addition, under both sections, a treasurer or other individual responsible for filing required campaign reports who knowingly files incomplete or inaccurate statements or reports is subject to a civil fine of up to \$1,000. Finally, section 33 specifies that "[i]f a candidate subject to th[e] section is found guilty, the circuit court for that county, on application by the attorney general or the prosecuting attorney of that county, may prohibit that candidate from assuming the duties of a public office or from receiving compensation from public funds, or both."

The bill would amend the act to increase the maximum late filing fees for candidate committees for local, countrywide, and state elective offices. The maximum late filing fee for candidate committees for local elective office other than countywide office would be \$5,000, while that for candidate committees for countywide or state elective office would be \$10,000. (The \$500 maximum would continue to apply to all other committees.)

In addition, the bill would amend section 35 of the act to add language paralleling language currently in section 33 regarding the ability of the circuit court to prohibit a candidate "found guilty" (presumably of the misdemeanor of failing to meet the 30-day late filing requirement) from taking office. More specifically, the bill would allow the circuit court, upon petition by the state attorney general or a county prosecuting attorney, to prohibit candidates subject to section 35 who were "found guilty" from assuming the duties of a public office or from receiving compensation from public funds, or both.

MCL 169.233 and 169.235

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.