

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5057 (Substitute H-1 as reported without amendment)

Sponsor: Representative Gary Woronchak

House Committee: Constitutional Law and Ethics

Senate Committee: Government Operations

CONTENT

The bill would amend the Michigan Campaign Finance Act to increase late filing fees for failure to file campaign statements on time; and establish additional procedures for the handling of complaints alleging violations of the Act.

Currently, a committee, candidate, treasurer, or other individual designated as responsible for the committee's record-keeping, report preparation, or report filing who fails to file a statement as required must pay a fee of \$25 for each business day the statement remains unfiled, to a maximum of \$500. The bill would retain these late filing fees for a committee that raised \$10,000 or less during the previous two years. If a committee raised over \$10,000 during the previous two years, the late filing fee would be \$25 for each business day the report remained unfiled; an additional \$25 for each business day after the first three business days the report remained unfiled; and an additional \$50 per business day after the first 10 business days the report remained unfiled. The maximum fee would be raised from \$500 to \$1,000.

For a ballot question committee that raised over \$10,000 during the previous two years, the bill would increase the late filing fee from \$25 to \$50 per business day, and raise the maximum fee from \$1,000 to \$2,000. For a candidate committee of a candidate for a State elective office or a judicial office that raised over \$10,000 during the previous two years, the bill would increase the late filing fee from \$25 to \$50 per business day, and raise the maximum fee from \$500 to \$1,000.

Under the Act, a person may file a complaint with the Secretary of State to allege a violation of the Act. Upon receiving a complaint the Secretary of State must investigate the allegation. The bill provides that within five business days after a complaint was filed, the Secretary of State would have to give notice, including a copy of the complaint, to the person against whom the complaint was filed. Within 15 business days after this notice was provided, that person could submit a response to the Secretary of State, who could extend the period for submitting a response an additional 15 business days for good cause. The Secretary of State would have to provide a copy of the response to the complainant. Every 60 days after a complaint was filed and until the matter was terminated, the Secretary of State would have to mail to the complainant and to the alleged violator notice of the action taken to date by the Secretary of State, together with the reasons for the action or nonaction.

MCL 169.215 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The fiscal impact of this bill is indeterminate. The State could receive additional revenue from the increase in late filing fees. The State also would incur additional administrative costs from the proposed procedures for handling complaints of alleged violations of the Act.

Date Completed: 12-6-99

Fiscal Analyst: E. Limbs