

NONREFUNDABLE CANDIDATE FILING FEES

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House Bills 4745 (H-1) and 4809 (H-1) as reported from committee
Sponsor: Rep. Steve Marino

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4747 (H-1) as reported
Sponsor: Rep. Kimberly LaSata

House Bill 4748 (H-1) as reported
Sponsor: Rep. Julie Calley

House Bill 4750 (H-1) as reported
Sponsor: Rep. Jim Lilly

House Bill 4749 (H-1) as reported
Sponsor: Rep. Tommy Brann

House Bill 4810 (H-1) as reported
Sponsor: Rep. Robert L. Kosowski

Committee: Elections and Ethics
Complete to 5-29-18

SUMMARY:

The bill package would make the filing fees required of candidates nonrefundable, add a filing fee option for township offices, and direct the fees to the respective local unit's operating fund. The bills would take effect 90 days after enactment.

House Bills 4745, 4748, 4749, and 4750 would make those changes to various offices in the Michigan Election Law. (MCL 168.163 et al.)

House Bills 4809 and 4810 would make complementary changes to Public Act 261 of 1966, which governs county boards of commissioners. (MCL 46.411 and 46.411a)

Currently and under the bills, in order to appear on a ballot for certain state or local offices, a candidate must either file a nominating petition or submit a filing fee. (The option of submitting a \$100 filing fee in lieu of a nominating petition would be added for township offices (HB 4748).)

A candidate opting to file a nominating petition must ensure all of the following:

- The petition uses the requisite format, as described in Section 544c of the Law.
- The petition includes the valid signatures of the requisite number of electors, as determined by the population of the candidate's district.
- The petition is filed with the county or township clerk, as applicable.

These nominating petition requirements would remain unchanged by the bills.

Under the bills, a candidate opting to submit a filing fee in lieu of a nominating petition must submit the fee to the county or township clerk, with the fee to be deposited in the local unit's general fund. Candidates for state senator or representative must submit the fee to the secretary of state if their district includes parts of more than one county. Candidates for library governing board must submit the fee to the clerk conducting the election. Presently, in most of those cases, the candidate who is nominated or receives the second-most votes in a primary election is refunded the filing fee. If two or more candidates receive the second-most votes, then the refund is divided among them. A candidate who withdraws from an election does not receive a refund. The bills would repeal these conditions for refunds and replace them with a nonrefundable fee.

House Bill 4747 would amend the Michigan Election Law to include nonrefundable filing fees used in lieu of nominating petitions in the procedures for the withdrawal of candidacy for township offices. (MCL 168.351)

All seven bills are tie-barred together, meaning that none could take effect unless all were enacted.

FISCAL IMPACT:

The bills would result in marginal revenue increases to county and township governments every two years, or in election years. Counties would receive the largest increases in revenue due to no longer being required to refund filing fees to first and second place finishing candidates. The increases would vary among the various units of government, most significantly between counties, according to the number of candidates who run for elected office within their jurisdictions. Wayne, Oakland, and Macomb Counties would see the largest revenue increases, due to having the highest number of state elected offices located within them and the highest number of candidates seeking to fill those positions.

Extrapolating from 2016 filing fee figures from Oakland County, it is estimated that counties would receive between \$2,100 to \$10,000 in additional General Fund revenue every two years. In Oakland County, nearly every candidate chose to submit filing fees in lieu of nominating petitions. It reported that 41 candidates ran for state office and 80 for county offices. The low-end estimate for revenue increases assumes that a county received filing fees from 6 candidates for state offices and 20 for county offices. Estimates also assume that counties currently refund filing fees at a rate of 80%, as is reported by Oakland County.

Townships would also receive marginal increases in revenue under House Bills 4748. Filing fees submitted to townships would be new revenue since current law does not provide for filing fees in lieu of nominating petitions. Data on township and municipal elections were not available for this analysis; however, revenue increases would likely be significantly less than the low-end county estimate.

The bills could also reduce some administrative costs to counties associated with tracking and refunding filing fees.

POSITIONS:

Representatives of the following organizations testified in support of the bills:

- Michigan Townships Association (2-8-18)
- Ingham County Clerk (2-8-18)
- Ottawa County Clerk (2-8-18)
- Michigan Association of County Clerks (2-8-18)

The following organizations indicated support for the bills:

- Michigan Association of Counties (2-8-18)
- Oakland County Director of Elections (5-17-18)

The Secretary of State indicated neutrality on the bills. (2-8-18)

Legislative Analysts: Jenny McInerney
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.