

# Legislative Analysis

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## NONREFUNDABLE CANDIDATE FILING FEES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bills 4745, 4746 & 4809 as introduced**  
**Sponsor: Rep. Steve Marino**

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

**House Bill 4747 as introduced**  
**Sponsor: Rep. Kimberly LaSata**

**House Bill 4750 as introduced**  
**Sponsor: Rep. Jim Lilly**

**House Bill 4748 as introduced**  
**Sponsor: Rep. Julie Calley**

**House Bill 4810 as introduced**  
**Sponsor: Rep. Robert L. Kosowski**

**House Bill 4749 as introduced**  
**Sponsor: Rep. Tommy Brann**

**House Bill 4823 as introduced**  
**Sponsor: Rep. Michael Webber**

**Committee: Elections and Ethics**  
**Complete to 2-7-18**

## SUMMARY:

The bill package would amend the filing fees required of candidates, make those fees nonrefundable, and direct the fees to the respective local unit's operating fund.

House Bills 4745, 4746, 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)

House Bill 4823 would do the same for Public Act 164 of 1877, which governs city, village, and township libraries. (MCL 397.211)

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 filing fee in lieu of a nominating petition would be added for township offices (HB 4748) and township library governing boards (HB 4823).)

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.

The offices affected by the proposed changes under these bills and the proposed nonrefundable filing fees are summarized below:

House Bill #	Office	Current Fee	Proposed Nonrefundable Fee
4745	State Senator/Representative	\$100	\$400
4746	County Auditor	\$100	\$200
4748	Township offices	N/A	\$150
4749	County Road Commissioner	\$100	\$200
4750	County offices	\$100	\$200
4809 & 4810	County Commissioner	\$100	\$200
4823	City or village library governing board	\$100	\$100
4823	Township library governing board	N/A	\$150

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)

HBs 4745 through 4750 are tie-barred together, meaning that none could take effect unless all were enacted. HBs 4809 and 4810 are tie-barred to each other and to HBs 4745 to 4750. Finally, HB 4823 is tie-barred to the other eight bills.

The bills would take effect 90 days after enactment.

**FISCAL IMPACT:**

The bills would result in modest revenue increases to county, township, and municipal governments every two years, or in election years. Counties would receive the largest increases in revenue. 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.

Using 2016 filing fee figures from Oakland County, it is estimated that counties would receive between \$6,000 to \$30,000 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.

Cities, townships, and villages would receive marginal increases in revenue under House Bills 4748 and 4823. 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.

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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.