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**SFA****BILL ANALYSIS**

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Senate Bill 842 (as introduced 10-21-99)  
Sponsor: Senator Glenn D. Steil  
Committee: Government Operations

Date Completed: 10-27-99

## **CONTENT**

**The bill would amend the Campaign Finance Act to increase late filing fees for failure to file campaign statements on time; establish additional procedures for the handling of complaints alleging violations of the Act; and extend the time for the preservation of campaign statements and reports under certain conditions.**

Currently, committees must file campaign statements as required under the Act. The bill specifies that a committee would have to file a "complete" campaign statement. 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, but would raise the fees to \$50 per business day, with a maximum of \$1,000, if a committee raised over \$10,000. 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 receipt of a complaint the Secretary of State must investigate the allegation pursuant to rules promulgated under the Act. The bill provides that within five business days after a complaint was filed, the Secretary of State would have to give notice to the person against whom the complaint was filed. The notice would have to include a copy of the complaint. Within 15 business days after this notice was provided, the person against whom the complaint was filed could submit a response to the Secretary of State. The Secretary of State 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 a response received to the complainant. Within 10 business days after receiving a copy of the response, the complainant could submit a rebuttal statement to the Secretary of State. The Secretary of State could extend the period for submitting a rebuttal statement an additional 10 business days for good cause. The Secretary of State would have to provide a copy of the rebuttal statement to the person against whom the complaint was filed. 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.

Currently, a statement of organization filed under the Act must be preserved by the filing official for five years from the official date of the committee's dissolution. A statement or report filed by a candidate for an office with a term exceeding four years must be preserved by the filing official for one year beyond that candidate's term of office. The filing official must preserve any other filed statement or report for five years from the date the filing occurred. The bill provides that if uncorrected violations had occurred in the statements or reports, or a court determined that a violation had occurred with regard to the statements or reports, the preservation period would be extended until five years after the date of the court determination, or the date the violations were corrected, whichever was later.

## **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.

Fiscal Analyst: E. Limbs

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.