

PUBLIC EMPLOYEE PAYROLL DEDUCTIONS FOR UNION PACS & ELIMINATE ANNUAL CONSENT

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House Bills 4245 and 4284
Sponsor: Rep. Fred Miller
Committee: Ethics and Elections

Complete to 7-14-09

A SUMMARY OF HOUSE BILL 4245 AS INTRODUCED 2-11-09 AND HOUSE BILL 4284 AS INTRODUCED 2-17-09

The bills would amend two sections of the Michigan Campaign Finance Act to allow public employee payroll deductions for donations to union political action committees, and to eliminate the annual signature requirement for a political action committee check-off, for payroll deductions.

House Bill 4245

The bill would allow a public employee to contribute to a political action committee of the employee's collective bargaining unit by payroll deduction, if the collective bargaining fully compensates the public body for the use of the resources.

The Michigan Campaign Finance Act (MCL 169.257) prohibits a public body or an individual acting for a public body from using or authorizing the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure, or to provide volunteer personal services that are excluded from the definition of contribution under Section 4(3)(a) of the act. However, the law also specifies that this prohibition does not apply in six instances: during the expression of views by an elected or appointed public official who has policy-making responsibilities; during the production or dissemination of factual information concerning issues relevant to the function of the public body; during the production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, or magazine; during the use of a public facility if any candidate or committee has an equal opportunity to use the public facility; during the use of a public facility if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event; and when an elected or appointed public official is on his or her own personal time, and is expressing his or her own personal views, expending personal funds, or is providing personal volunteer services.

House Bill 4245 would retain all of these exceptions. In addition, the bill would add a seventh exception: *"the use of public resources to permit a public employee to contribute to a political action committee of the employee's collective bargaining unit by payroll deduction, if the collective bargaining unit provides full compensation to the public body for the use of the resources."*

House Bill 4284

The Michigan Campaign Finance Act (MCL 169.255) allows a profit or a nonprofit corporation, a joint stock company, a domestic dependent sovereign, or a labor organization to solicit or obtain contributions for a separate segregated fund established under Section 55 of the act from an individual on an automatic basis, including but not limited to a payroll deduction plan, only if the individual who is contributing to the fund affirmatively consents to the contribution at least once in every calendar year. House Bill 4284 would retain this provision, but delete the words "*at least once in every calendar year.*"

FISCAL IMPACT:

HB 4284: This bill would have no fiscal impact to the State of Michigan or local units of government.

HB 4245: Because the bill requires full compensation for the use of any public resources, the bill would have no significant impact on the State of Michigan.

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■ 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.