

Legislative Analysis



EXTEND HONORARIA BAN TO ALL STATEWIDE ELECTIVE OFFICEHOLDERS

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House Bill 6023 as introduced
Sponsor: Rep. Kate Segal
Committee: Ethics and Elections

First Analysis (9-23-10)

BRIEF SUMMARY: The bill would ban the acceptance of honoraria for all statewide elective officeholders. [State legislators are already prohibited by law from accepting honoraria.]

FISCAL IMPACT: House Bill 6023 would have an indeterminate, but likely negligible, fiscal impact on state and local government. The bill amends the Michigan Campaign Finance Act to ban acceptance of honoraria for all statewide elective officeholders rather than just legislators. Any fiscal impact would depend on the number of violations under the bill. For any violation, the fine revenue collected would be dedicated to public libraries.

THE APPARENT PROBLEM:

In order to ensure that the authority and influence of elected officials is applied in a way that checks personal gain and ensures the public good, state election and campaign finance laws generally impose limits on campaign contributions and solicitation--both for certain people and in certain places--and also prohibit the acceptance of honoraria.

For example, the Michigan Campaign Finance Act prohibits state legislators--that is, those who serve in the Michigan House of Representatives and the Michigan Senate--from accepting an honorarium. The Campaign Finance Act defines the term "honorarium" as follows:

(6) "Honorarium" means a payment of money to a person holding elective office as consideration for an appearance, a speech, an article, or any activity related to or associated with the performance of duties as an elected official. An honorarium does not include any of the following:

(a) Reimbursement for the cost of transportation, accommodations, or meals for the person.

(b) Wages, salaries, other employee compensation, and expenses authorized to be paid by this state or a political subdivision of this state to the person holding elective office.

(c) An award.

Likewise, the Rules of the Michigan House of Representatives prohibit the acceptance of an honorarium. Specifically, a portion of Rule 74 concerning Personal Privilege and Conduct reads:

*(2) A Member shall not use his or her position in any manner to solicit or obtain anything of value for himself or herself, House employees or any other Member which tends to influence the manner in which the Member performs his or her official duties. (See **Background Information.**)*

Although those elected to the state Legislature are prohibited from accepting honoraria, other officials elected to state office are not. In an effort to enhance accountability in government, legislation has been introduced that would extend the legislative ban on accepting honoraria to all statewide elected officials.

THE CONTENT OF THE BILL:

House Bill 6023 would amend the Michigan Campaign Finance Act (MCL 169.250) to ban the acceptance of honoraria for all statewide elective officeholders. The bill would take effect 90 days after the date it is enacted into law.

Currently under the law, legislators are prohibited from accepting an honorarium. The bill would retain this provision, but extend it to all state elective offices.

Further, now under the law, a person who knowingly violates this prohibition is guilty of a misdemeanor punishable by a fine of not more than \$1,000, or imprisonment for not more than 90 days, or both. The bill would extend this provision to all state elective offices.

BACKGROUND INFORMATION:

Personal Privilege and Conduct.

Rule 74. (1) Matters involving personal privilege are limited and include only the following:

- (a) Anything tending to subject a Member to ridicule or contempt;
- (b) Charges in news media accounts relating to a Member in his or her representative capacity only;
- (c) News media accounts attributing to a Member remarks he or she has not made;
- (d) Accusation by another Member in debate of intentional misrepresentation;
- (e) Assault on a Member for words spoken in debate; and
- (f) Arrest of a Member except for treason, felony or breach of the peace.

(2) A Member shall not use his or her position in any manner to solicit or obtain anything of value for himself or herself, House employees or any other Member which tends to influence the manner in which the Member performs his or her official duties.

(3) Sexual harassment of Members or House employees is prohibited and will not be tolerated by the House.

(4) A Member shall not convert for personal, business and/or campaign use, unrelated to House business, any supplies, services, facilities, or staff provided by the State of Michigan.

This includes, but is not limited to, telephones, telecopy machines, computers, postage, and copy machines.

(5) A Member shall not solicit or accept any type of campaign contribution in any House facility or building.

ARGUMENTS:

For:

Statewide elected officials have chosen to represent citizens, and they receive a substantial salary for their service. Consequently, statewide elected officials do not need honoraria to carry out their day-to-day duties. Indeed, honoraria accepted for any aspect of their work is likely to create an unacceptable spectre of personal gain. Further, honoraria are likely to make more difficult the decision-making of officials as they work to mitigate social problems, because honoraria create conflicts of interest in which personal interests potentially trump the greater public good.

POSITIONS:

No positions were advanced.

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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.