

Legislative Analysis



NONREFUNDABLE CANDIDATE FILING FEES

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

House Bill 4282 as reported from committee
Sponsor: Rep. Julie Calley

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

House Bill 4283 as reported
Sponsor: Rep. Terry J. Sabo

House Bill 4284 as reported
Sponsor: Rep. Matt Koleszar

House Bill 4285 as reported
Sponsor: Rep. Ann M. Bollin

Committee: Elections and Ethics
Complete to 4-1-21

(Enacted as Public Acts 144 to 147 of 2021)

SUMMARY:

The bills would make candidates' filing fees nonrefundable and direct the fees to the respective local unit's general fund to be used only for the purchase and maintenance of voting equipment.

House Bills 4282, 4284, and 4285 would make those changes in the Michigan Election Law for the offices of state senator and state representative, county offices and county road commissioner, and township offices, respectively.

House Bill 4283 would make complementary changes to 1966 PA 261, which governs county boards of commissioners.

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.

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 Election 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, county and township candidates opting to submit a filing fee in lieu of a nominating petition would have to submit the fee to the county clerk or township clerk, as applicable. The fee would be deposited in the local unit's general fund, to be used only for the purchase and maintenance of voting equipment. Candidates for state senator or state representative would have to submit the fee to the secretary of state if their district includes parts of more than one county, or to the county clerk if it consists of a single county.

Currently, 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, 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.

HB 4282: MCL 168.163

HB 4283: MCL 46.411 and 46.411a

HB 4284: MCL 168.193 and 168.254

HB 4285: MCL 168.349

FISCAL IMPACT:

The bills would result in marginal revenue increases to county and township governments every two years, or in election years. Populous counties would receive the largest increases in revenue as a result of no longer being required to refund filing fees to candidates who finish in first place and second place. The increases would vary among the different units of government, most significantly between counties, according to the number of electoral races in the county and 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 submitting filing fees for those positions.

From 2016 and 2020 filing fee figures from Oakland and Wayne Counties, it is estimated that counties would receive between \$2,100 to \$12,000 in additional general fund revenue every two years, which the bills would require to support the purchase and maintenance of voting equipment. In Oakland and Wayne Counties, nearly every candidate chose to submit filing fees in lieu of nominating petitions. In Oakland, in 2016, 41 candidates ran for state office and 80 for county offices, while in Wayne County, in 2020, 110 candidates ran for state offices and 30 for county offices. The low-end estimate for revenue increases assumes that a county received filing fees from six candidates for state offices and 20 for county offices. Estimates also assume that counties currently refund filing fees at a rate of 80%, as was reported by Oakland County in 2016.

The bills also would reduce some administrative costs and time for counties associated with tracking and refunding filing fees.

POSITIONS:

The following entities indicated support for the bills (3-2-21):

Michigan Association of County Clerks

Michigan Association of Municipal Clerks

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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.