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RESTORE REFERENCE TO STATE GENERAL FUND FOR DEPOSIT OF NOMINATING FEES

House Bill 6005 as introduced
First Analysis (10-4-00)

Sponsor: Rep. Bruce Patterson
Committee: Constitutional Law and Ethics

THE APPARENT PROBLEM:

When Public Act 218, which amended the Michigan Election Law, was enacted it inadvertently struck a reference to the state general fund that allowed nominating fees to be deposited into the state general fund as well as into county general funds. Legislation has been introduced to rectify this mistake.

THE CONTENT OF THE BILL:

Instead of filing a nominating petition in order for a candidate to appear under a particular party heading on a primary ballot for state senator or representative, the Michigan Election Law allows the candidate to pay a \$100 filing fee to the county clerk or (in cases where a district crosses county lines) to the secretary of state. The fee is deposited into the county general fund.

The bill would amend the law to allow the nominating fee to be deposited into the county general fund or into the state general fund.

MCL 168.163

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no fiscal implications. (10-3-00)

ARGUMENTS:

For:

Public Act 218 of 1999 (enrolled House Bill 5060), among other things, amended the Michigan Election Law to tie petition signature requirements for state legislative candidates to a chart it added to the law in Section 544f. Nominating petitions for state legislative candidates in a district comprising a single county (or less) are filed with the county clerk; if the district comprises more than one county, the petition must be filed with the secretary of state. The election law also allows payment of nominating fees instead of petition

signatures, and prior to Public Act 218 required the fees to be deposited in the general fund of the county or state. The bill would restore the reference to the state general fund, thereby clarifying that the secretary of state would not, as the law currently appears to suggest, have to deposit nominating fees from multi-county nominating fees in "the general fund of the county." Instead, the secretary of state once again would deposit such fees into the state general fund.

POSITIONS:

The Department of State supports the bill. (10-3-00)

Analyst: S. Ekstrom

#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.