



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1299 (Substitute S-1 as reported)
Sponsor: Senator Michelle A. McManus
Committee: Campaign and Election Oversight

CONTENT

The bill would amend the Michigan Campaign Finance Act to require the Secretary of State (SOS) to post on the internet any complaint, response, or rebuttal statement regarding an alleged violation of the Act; and, within 60 business days after receiving a rebuttal statement, or if no response or rebuttal were received, post on the internet whether there could be reason to believe that a violation had occurred.

If the SOS determined that there could be reason to believe that a violation had occurred, and he or she were unable to correct or prevent further violation by informal means after 30 days, the SOS would have to commence a hearing for the enforcement of a civil violation or refer the matter to the Attorney General for enforcement of any criminal penalties. The Attorney General could refer the matter to the prosecuting attorney of the county where the violation occurred. Within 60 business days after the matter was referred to the Attorney General or county prosecuting attorney, he or she would have to determine whether to proceed with enforcement of a criminal penalty.

The bill also would make it mandatory, rather than permissive, that the SOS commence a hearing to determine whether a civil violation of the Act had occurred, and impose a fine for a violation. For an improper contribution or expenditure, the bill would increase the fine from the amount of the contribution or expenditure to triple that amount (plus, as currently provided, up to \$1,000 per violation). The bill would delete a provision under which the SOS may not commence a hearing within 30 days before an election in which a committee has received or spent money except with the suspected violator's consent.

MCL 169.215

Legislative Analyst: Craig Laurie

FISCAL IMPACT

The bill could have a minimal fiscal impact on the Secretary of State's resources. The proposed time lines for responding to complaints along with the posting of information on the Secretary of State's web page could, at times, require additional staff and/or staff time. These potential costs, however, would be minimal and supported by current appropriations. The exact amount of the potential additional costs is indeterminate.

The bill also would increase the amount of civil fine revenue that is deposited in the State's General Fund. The bill would have no fiscal impact on local government.

Date Completed: 10-13-08

Fiscal Analyst: Joe Carrasco