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Senate Bill 750 (Substitute S-4 as reported by the Committee of the Whole)  
Senate Bill 753 (as reported without amendment)  
Sponsor: Senator Dave Robertson (S.B. 750)  
          Senator Jack Brandenburg (S.B. 753)  
Committee: Local Government and Elections

### **CONTENT**

Senate Bill 750 (S-4) would amend the Michigan Campaign Finance Act to do the following:

- Eliminate separate campaign statement filing schedules for odd- and even-numbered years, and require a fourth statement in every odd-numbered year.
- Include a candidate among the individuals subject to the penalty for knowingly filing an incomplete or inaccurate campaign finance statement or report.
- Designate failure to file required campaign statements for two years for a candidate committee with an account balance of at least \$20,000 as a felony, and provide that money in the account would be subject to seizure and forfeiture by the State.
- Establish procedures for the seizure and forfeiture, including a candidate's opportunity for an administrative hearing before the Secretary of State and an appeal to the circuit court.

Under the Act, if a treasurer or other individual designated as responsible for a committee's record-keeping, report preparation, or report filing knowingly files an incomplete or inaccurate statement or report, he or she is subject to a civil fine of up to \$1,000. Under the bill, the penalty also would apply to a candidate.

If a candidate committee's account had a balance of at least \$20,000 and a candidate, treasurer, or other designated individual failed to file required campaign statements for two consecutive years, he or she would be guilty of a felony punishable by imprisonment for up to three years and/or a maximum fine of \$5,000. Any money in the candidate committee account would be subject to seizure by, and forfeiture to, the State.

Senate Bill 753 would amend the Code of Criminal Procedure to add to the sentencing guidelines the failure to file required campaign statements for a candidate committee. The violation would be a Class H felony against the public trust with a statutory maximum of three years' imprisonment.

The bills are tie-barred to each other.

MCL 169.233 & 169.235 (S.B. 750)  
777.11e (S.B. 753)

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The Department of State would have additional responsibilities under Senate Bill 750 (S-4) related to the potential seizure of candidate committee accounts for failure to file certain reports. If the Secretary of State acted under the proposed authority, the Department would incur costs related to seizure, notification, and inventory requirements, and the subsequent hearing process. The Department would be required to meet timelines for a hearing on the matter and issuing a decision. These responsibilities would increase the costs of the Department by an unknown amount. Funds lawfully seized under the authority provided by the bill would be deposited in the General Fund and available upon appropriation. The amount of the costs and revenue would depend on the number of violations and the size of any accounts seized. An account that was seized would be required to have a balance of least \$20,000.

There are no data to indicate how many offenders would be convicted of the proposed criminal offense. An offender convicted of the Class H offense under the bills would receive a sentencing guidelines minimum sentence range of 0-1 month to 5-17 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

In addition, Senate Bill 750 (S-4) would extend an existing civil fine of up to \$1,000 to a candidate, as well as the candidate's treasurer or equivalent, for a particular filing violation.

Date Completed: 2-8-12

Fiscal Analyst: Dan O'Connor  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.