



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 440 and 441 (as enacted)  
Sponsor: Senator Dave Robertson  
Senate Committee: Local Government and Elections  
House Committee: Elections and Ethics

**PUBLIC ACTS 258 & 259 of 2013**

Date Completed: 2-9-15

**CONTENT**

**Senate Bill 440 amended the Michigan Campaign Finance Act to require a committee to file its campaign statements and reports electronically if it receives or spends at least \$5,000, rather than \$20,000, in one year.**

**Senate Bill 441 amended the Act to do the following:**

- **Allow a county clerk to adopt a system that permits committees to file campaign statements and reports with the clerk electronically, and that provides internet disclosure of these statements and reports on a website.**
- **Allow a county clerk that adopts an electronic filing and disclosure system to require a committee that receives or spends the annual threshold amount set by the clerk to file campaign statements or reports electronically.**
- **Require a county clerk to set the threshold at \$5,000 or \$1,500.**
- **Require a county clerk that adopts an electronic system to allow a committee to file electronically, after a signature is filed to verify accuracy and completeness.**
- **Require a committee that does not meet the threshold initially, but later meets the threshold, to notify the county clerk within 10 business days and file electronically subsequently.**

The bills took effect on December 27, 2013.

**Senate Bill 440**

The Act requires the Secretary of State (SOS) to develop and implement an electronic filing and internet disclosure system that permits committees that are required to file campaign statements or reports with the SOS to do so electronically, and that provides internet disclosure of electronically filed statements or reports on a website. The SOS must offer each committee required to file the option of doing so electronically.

Under the bill, if a committee required to file received or spent at least \$5,000 in the preceding calendar year, or expects to receive or spend that much in the current calendar year, the committee must electronically file all required statements and reports. If a committee was not required to file only because it did not meet the \$5,000-threshold, but later reaches that threshold, it must notify the SOS within 10 business days and subsequently must file all required statements and reports electronically.

Previously, the threshold was \$20,000. Beginning with the annual campaign statement due January 31, 2014, the bill lowered the threshold to \$5,000.

## **Senate Bill 441**

The bill added the following provisions to the Campaign Finance Act.

A county clerk may adopt an electronic filing and internet disclosure system developed or approved by the SOS that permits committees that are required to file statements or reports with the county clerk to file them electronically, and that provides internet disclosure of electronically filed statements or reports on a website. If the SOS develops an internet disclosure system, he or she may not charge a county clerk for the system's software.

A county clerk that adopts an electronic filing and disclosure system may require each committee to file campaign statements or reports electronically, if the committee receives or spends the threshold amount set by the clerk in the preceding calendar year, or expects to receive or spend that amount in the current calendar year. A county clerk must set the threshold at \$5,000 or \$1,500.

A county clerk that adopts an electronic system must allow a committee to file required statements and reports electronically after the committee treasurer, and, for a candidate committee, the candidate, signs and files a form designed by the SOS to serve as the signature verifying the accuracy and completeness of each statement or report filed electronically. This provision does not apply to an original statement of organization.

If a committee is not required to file a campaign statement only because it does not meet the applicable threshold, but the committee later reaches that threshold, the committee must notify the county within 10 business days and subsequently must file electronically all required statements and reports.

MCL 169.218 (S.B. 440)  
169.18a (S.B. 441)

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

### **Senate Bill 440**

The bill has no fiscal impact on State or local government.

### **Senate Bill 441**

The bill has no fiscal impact on the Department of State as the Department already had in place a system that accepts electronic filings. Any costs to the Department are absorbed with annual appropriations.

The bill might have a fiscal impact on counties for the costs of development, maintenance, and operation of an electronic filing system if a county does not have such a system in place. The costs estimate is indeterminate and dependent on whether the county chooses to implement an electronic filing system and to what degree the county is already "internet ready" to implement this system.

Fiscal Analyst: Joe Carrasco

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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.