

Legislative Analysis



CONSTITUTIONAL CONVENTION DELEGATES: CAMPAIGN FINANCE REQUIREMENTS

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House Bill 6468 without amendment

Sponsor: Rep. Marc Corriveau

Committee: Ethics and Elections

First Analysis (10-29-08)

BRIEF SUMMARY: The bill would require that constitutional convention delegates comply with the Michigan Campaign Finance Act in the same manner as do those holding state elective office.

FISCAL IMPACT: House Bill 6468 would have no significant fiscal impact on the State of Michigan.

THE APPARENT PROBLEM:

In the General Election scheduled for November 2, 2010, voters will decide whether to call a constitutional convention to revise the Michigan Constitution adopted by voters in 1963. A vote to convene a constitutional convention is placed on the ballot every 16 years, as is required by Article XII, Section 3 of the Constitution, itself.

If a majority of voters in Michigan vote "Yes" on the question of whether to convene a convention, an election will be held within six months to elect delegates. A total of 148 delegates would be elected at a partisan election--one person from each state representative district, and one from each state senate district. Those delegates would then convene at Lansing on the first Tuesday in October following their selection (or at an earlier date if provided by law) and form a constitutional convention, at which changes to the state's then 48-year old constitution would be researched, debated, and voted on.

For example, debate might concern, among other things, state legislative and congressional district reapportionment; the appointment rather than election of judges; the appointment rather than election of board members to university boards; revision or repeal of term limits; elimination of the prohibition on the death penalty; restoration of affirmative action programs by state government and public universities; abortion rights; elimination of the prohibition on public aid to non-public education; and equitable funding for public schools.

The candidates who stand for election as delegates to a constitutional convention run for that office in the districts of their state representatives and state senators. Like them, they run in partisan elections. Unlike their state representatives and state senators, the candidates seeking to represent their districts at the constitutional convention are not required to file campaign financial disclosure reports.

Legislation has been introduced to require campaign finance disclosure reports for constitutional convention delegates.

THE CONTENT OF THE BILL:

House Bill 6468 would amend the Michigan Campaign Finance Act to require that constitutional convention delegates comply with the act in the same manner as do those holding state elective office.

Currently under the law, "state elective office" is defined to mean a statewide elective office (that is, governor, lieutenant governor, secretary of state, or attorney general, justice of the supreme court, member of the state board of education, regent of the University of Michigan, member of the board of trustees of Michigan State University, or member of the board of governors of Wayne State University), or the office of state representative. House Bill 6468 would expand the definition to also include "a constitutional convention delegate."

MCL 169.212

ARGUMENTS:

For:

Campaign contributions often guarantee access to, and cooperation from, elected decision-makers. If campaigns are funded by a narrow range of special or single interests, then it is likely the views of those funders will be advanced by the candidates they support. Sometimes candidates try to obscure the source of their campaign contributions--report them late or categorize them in misleading ways--in order to withhold information about their beliefs and values from the public. Consequently, all candidates who run for office should disclose all of their campaign contributors, so the voting public is knowledgeable about the candidates' positions, and can hold them accountable for working in the public's interest, rather than their own. Disclosure of contributions during a Con-Con delegate's campaign will better ensure greater accountability if that delegate is elected to make important public policy decisions, as the convention works to revise the state constitution.

POSITIONS:

The Michigan Campaign Finance Network supports the bill. (9-23-08)

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■ 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.