



**House
Legislative
Analysis
Section**

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**LET CITIZENS SUE PUBLIC BODIES
FOR CAMPAIGN FINANCE ACT
VIOLATIONS**

House Bill 6046

Sponsor: Rep. Robert Gosselin

Committee: Constitutional Law and Ethics

Complete to 10-26-00

A SUMMARY OF HOUSE BILL 6046 AS INTRODUCED 9-28-00

The bill would amend the Michigan Campaign Finance Act to allow citizens to sue public bodies for violating the act's prohibition against public bodies using public resources to make contributions or expenditures (or to provide volunteer personal services) that the act excludes from its definition of "contribution."

Currently, the act makes it a misdemeanor to knowingly violate this section of the act. Individual violators can be fine up to \$1,000 or imprisoned for up to one year or both; other violators can be fined up to \$20,000 or an amount equal to the amount of the improper contribution, whichever is greater. The bill would add a new provision that would allow an individual who resided in the same local unit of government where a public body that had been alleged to have violated the act were located could bring a civil action for appropriate injunctive relief, damages, or both. A civil action filed under the bill could be filed in the circuit court for the county where the alleged violation occurred or in the circuit court for the county where the public body against which the action were filed had its primary place of business. An individual who prevailed in a civil action brought under the bill could recover both actual damages (or \$5,000, whichever were greater) and reasonable attorney fees and costs. The bill also would allow the court to award actual damages, reasonable attorney fees, and costs to the public body against which a civil action were filed if the court determined that the individual had "frivolously" brought the civil action.

MCL 169.257

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